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THESIS

THE MEDIA AND DEMOCRACY IN RUSSIA

by

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June 2005

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13. ABSTRACT (maximum 200 words)

This thesis considers the evolution of the Russian media and assesses the decrease in media freedom and its effect on Russian democracy. The Russian media has lost most of its freedom and ability to report critically over the last five years. Although there are Russian laws that are supposed to protect the freedom of the media, those have not been enforced. In addition, over the last five years a number of reforms have occurred that have removed some of those freedoms. These include laws that restrict coverage of elections, terror events and the Chechen region. The lack of freedom has resulted in the inability for the media to serve their purpose in civil society. This has contributed to civil society's lack of ability to ensure that Russia's government remains democratic. If present trends continue the future does not look good for Russian democracy or the freedom of Russia's media.

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THE MEDIA AND DEMOCRACY IN RUSSIA

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ABSTRACT

This thesis considers the evolution of the Russian media and assesses the decrease in media freedom and its effect on Russian democracy. The Russian media has lost most of its freedom and ability to report critically over the last five years. Although there are Russian laws that are supposed to protect the freedom of the media, those have not been enforced. In addition, over the last five years a number of reforms have occurred that have removed some of those freedoms. These include laws that restrict coverage of elections, terror events and the Chechen region. The lack of freedom has resulted in the inability for the media to serve their purpose in civil society. This has contributed to civil society's lack of ability to ensure that Russia's government remains democratic. If present trends continue the future does not look good for Russian democracy or the freedom of Russia's media.

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I. INTRODUCTION

Vladimir Putin has been vilified by western press and governments as a leader who is taking his country away from democracy and back towards authoritarianism. In particular he has been heavily criticized for his treatment of the media. This thesis will address the evolution of media control in Russia. It will look at the conditions that existed for the media prior to Putin's election as president, and the changes that have occurred since he came into power. It will also address the question of whether Russia is or ever was a democracy. Again it will look at the conditions in the country at the time that Putin came into power and will compare those conditions to the changes that have occurred during the first five years in office. The media is an ideal measuring point because of the importance it has in a free society, and in promoting and maintaining democracy.

This chapter will address what the requirements for a democracy are and whether or not Russia does, or ever has, met those requirements. It will also address the requirements for a free press, and whether or not the Russian media has ever qualified for this designation. In the mid 1990's Russia was considered to be an emerging democracy, one where the people had political freedoms, and the power to vote in free elections. By the end of 2004, Russia was considered by some to be the most repressive since it had been a part of the Soviet Union. Western government and non-government organizations have been very critical of the changes that have occurred in Russia, particularly during the last five years. From the turnover of power between Boris Yeltsin to Vladimir Putin, to Putin's continued consolidation of state power during his second term, democratic rights have been diminished. During a campaign speech for the 2004 Presidential election, Putin said that the breakup of the Soviet Union is "a national tragedy on an enormous scale."[1] While re-building the Soviet Union is an unrealistic goal, he has made significant efforts to return to a rule that is centralized and eliminates the rights of the citizens of the state, and any political opposition is met with quick and harsh punishment.

[1] Vladimir Isachenkov, "Russia's election chief criticizes television stations for giving Putin too much coverage," *Associated Press*, February 13, 2004, http://www.lexis-nexis.com, (Accessed May 2005).

International organizations such as the Bertelsmann Foundation and Freedom House have judged Russia as sliding away from its democratic beginning towards a repressive, authoritarian regime. Government agencies such as the United States Department of State have expressed concern over human rights in Russia, and the OSCE election monitoring reports have said that the latest elections were not fair or free. Russia is certainly moving more towards an authoritarian government, but it is moving away from something that was never a full democracy. After the fall of the Soviet Union there were great hopes that Russia would become a democracy. While some initial steps were made towards democracy, even under Boris Yeltsin the transition was not completed. Putin may not have inherited a true democracy; however he has been responsible for instituting changes that have moved the country further away from the goal of democracy.

A. WHAT ARE THE REQUIREMENTS FOR A DEMOCRACY?

While Russia has been criticized for not being democratic, the requirements for a democracy first have to be established. There are a number of different ways that democracy can be defined. By looking at three different definitions we can reach a more complete understanding of what the requirements for a democracy are. The first definition is provided by Freedom House, a non-profit organization that conducts an annual evaluation of each country in the world, and also evaluates each country for their potential as an electoral democracy. Their requirements for an electoral democracy are:

> 1-A competitive multiparty political system.
> 2- Universal adult suffrage for all citizens.
> 3- Regularly contested elections, conducted in conditions of ballot secrecy.
> 4- Significant public access of major political parties to the electorate through the media and through generally open political campaigning.[2]

Freedom House bases this evaluation on the last election cycle to take place in the country being evaluated; that election must have been free and fair in order for the country to even be considered for the rating of an electoral democracy. While the election did not have to be totally free of irregularities, the country can not qualify if the

[2] Freedom House, *Freedom in the World 2004*: Survey Methodology, http://www.freedomhouse.org/research/freeworld/2004/methodology.htm, (Accessed May 2005).

election serves to continue the "overwhelming dominance of a single party."[3] Freedom House is a government funded Non-Government Organization, and as such may have a political bias in some of their evaluations.

A second definition is provided in an essay published in the *Journal of Democracy*; Steven Levitsky and Lucan Way give their four requirements for a modern democracy:

> 1-Executives and legislatures are chosen through elections that are open, free, and fair.
> 2- Virtually all adults possess the right to vote
> 3- Political rights and civil liberties, including freedom of the press, freedom of association, and freedom to criticize the government without reprisal, are broadly protected
> 4- Elected authorities possess real authority to govern, in that they are not subject to the tutelary control of military or clerical leaders.[4]

Levitsky and Way also agree that not all democracies will always completely follow all the requirements, but any violations that occur "are not broad or systematic enough to seriously impede democratic challenges to incumbent governments."[5]

A third definition is provided by the Bertelsmann Foundation, another non-profit organization that provides an evaluation of countries in the world. The foundation is more independent from government interference than an organization such as Freedom House, but they were founded by a private company, and continue to receive funding from private sources. The source of their funding may cause problematic results, as the main donor is a business and may have an economic influence, but they do not have the political bias that Freedom House has. The foundation believes that "of all regime frameworks, a representative democracy combined with a social marked economy best facilitates social cohesion."[6] It conducts an evaluation of countries in the world, and determines how close each country comes to the ideal it believes in. The foundation believes that there are a number of ways that a country can reach the ideal, but that

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[3] Freedom House, *Freedom in the World 2004*: Survey Methodology, http://www.freedomhouse.org/research/freeworld/2004/methodology.htm, (Accessed May 2005).

[4] Steven Levitsky and Lucan A. Way, "The Rise of Competitive Authoritarianism," *Journal of Democracy*, Vol. 13, No 2, April 2002, 53.

[5] Ibid.

[6] Background, *Bertelsmann Transformation Index*, http://www.bertelsmann-transformation-index.de/5.0.html?&L=1, (Accessed May 2005).

> Governments and other actors must be determined in the pursuit of their goals, use their resources prudently and effectively, combine the capacity to govern with consensus-building and cooperate with external organizations of support. Astute transition management is essential to bringing a country closer toward the goal of a market-based democracy.[7]

The Bertelsmann Transformation Index (BTI), a publication of the Bertelsmann Foundation, evaluates 115 countries for democracy. It has a checklist of eighteen indicators for democracy but their general description of a democracy is:

> The criteria for the status of democracy are based on a concept of participation that reaches far beyond holding free elections periodically. Consistent with international human rights declarations, basic fundamental rights are incorporated under the rubric of "rule of law." An expanded concept of democracy is expressed by assessing the strength of civil society and participatory behavior. Finally, transparency and accountability are considered indicators of the actual functioning of formal democratic structures.[8]

B. IS RUSSIA A DEMOCRACY?

The three different definitions of democracy give a good standard against which Russia can be measured.

Freedom House provides an annual evaluation of every country in the world in their report "Freedom in the World." Their annual evaluation looks at political rights, civil liberties and provides an overall status for every country. While the organization may put unreasonable expectations on the countries that they evaluate, they use the same requirements year to year, and therefore while a specific year may have problematic results their annual evaluations can be used to gauge changes year to year.[9]

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[7] Background, *Bertelsmann Transformation Index*.

[8] *Bertelsmann Transformation Index 2003*, World in Transition, http://www.bertelsmann-transformation-index.de/fileadmin/pdf/BERT_Brosch_re_ENG.pdf, (Accessed May 2005).

[9] Freedom House evaluations use a scale of 1-7 with 1 being the highest amount of freedom, and 7 being the lowest. Political rights are evaluated as the ability to participate in the electoral process- the right to vote, the right to run for officer, and the right to elect representatives that are responsible to the people. Civil liberties give freedom of expression, belief, rights of organization and association, laws and the right of personal autonomy without state intervention. Freedom House, *Freedom in the World 2004*: Survey Methodology, http://www.freedomhouse.org/research/freeworld/2004/methodology.htm, (Accessed May 2005).

Table 1. Freedom House ratings of Russia 1994, and 1999-2004[10]

Year	1994	1999	2000	2001	2002	2003	2004
PR,CL, S	3,4, PF	4,5, PF	5,5, PF	5,5, PF	5,5, PF	5,5, PF	6,5 NF

Source: From Freedom House

The table shows a decline in the political rights and civil liberties of the Russian people over the past ten years, and it also shows a change in the status of Russia from partly free to not free. A score of 6 in political rights means that Russia is a country ruled by a regime that "may allow only a minimal manifestation of political rights, such as some degree of representation or autonomy for minorities."[11] This is a large change from the score of 3 that Russia received in 1994; a rating that indicated some problems that may weaken the quality of freedom such as unfair elections or dominance by one party; but the state may still enjoy some elements of political rights such as reasonably free referenda or other means of influence over the government.[12] The civil liberties of Russian citizens have declined since 1994, but they have not changed since Vladimir Putin assumed the duties as President. A rating of 5 means that there may be significant problems with censorship, political terror or the prevention of free association, however those problems can come from either the state, or non-state actors.[13] The overall status of Russia has fallen from partly free to not free during the presidency of Putin.[14] The biggest significance of this survey in regard to Russia is the amount of change that has occurred. While some did occur under Yeltsin, the majority of the shifting has occurred since Putin took over as president, and the trend appears to be continuing in the direction of further restriction on political rights and civil liberties and a not free status.

Freedom House is only one international organization that provides evaluations on the status of a country and their evaluations may not always be truly unbiased. In their

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[10] Freedom House, *Freedom in the World*, Russia, 1994-2004, http://www.freedomhouse.org/research/index.htm, (Accessed May 2005).

[11] Freedom House, *Freedom in the World 2004*: Survey Methodology.

[12] Ibid.

[13] Ibid.

[14] This rating is determined from an average of the political rights and civil liberties ratings. An average of 1.0-2.5 is free, 3.0-5.0 is partly free and 5.5-7.0 is not free. The methodology provided by Freedom House does not discuss this rating any further, other than to say that there is a wide variety of countries included in each category, as a country with a 3.0 average is significantly different than a country with a 5.0 average, but both are considered partly free. Information available from Freedom House, *Freedom in the World 2004*: Survey Methodology.

2004 evaluation, they ranked Russia as less free than Iran.[15] While this evaluation may appear reasonable given the stringent guidelines that Freedom House uses, there is a chance that their findings are politically influenced. Most experts would agree that despite its problems, Russia is not less free then Iran.[16] While Freedom House's findings might not be completely realistic in any given year, they are useful here because they show that the trend in Russia is away from democracy.

The 2003 Bertelsmann Transformation Index (BTI) found that during the period of their evaluation the economy in Russia transformed at a much faster rate than that of the government structure, and that "politically, new constraints were imposed on democratic principles."[17] The BTI does make a point not seen in the Freedom House evaluations; it points out that "constitutional realities under President Yeltsin were characterized by significant democratic deficiencies."[18] While those deficiencies were not enough to make the regime undemocratic, they are indicators that perhaps the democracy in Russia was not as complete under Boris Yeltsin as Freedom House leads its users to believe. The BTI also provides a numerical ranking of each country it evaluates. Of 115 countries Russia was ranked 41 in the Status Index and 31 in the Management Index.[19]

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15 Freedom House, *Freedom in the World 2004*, http://www.freedomhouse.org/research/freeworld/2004, (Accessed May 2005).

16 Andrei Shleifer and Daniel Treisman, "A Normal Country," *Foreign Affairs*, March/April 2004, Vol. 83, No 2: 20.

17 *Bertelsmann Transformation Index 2003*, http://www.bertelsmann-transformation-index.de/16.0.html?&L=1, (Accessed May 2005). The BTI evaluated countries between 1998 and 2003 for the 2003 BTI.

18 Ibid., 2-3.

19 The overall rankings are based on a scale of 0-10, with 10 being the best, and 0 the worst. In the Status Index, Russia received a score of 6.0. The Status Index looks at Political Transformation (stateness, political participation, rule of law, institutional stability and political and social integration) and Economic Transformation (level of socioeconomic development, market structure and competition, currency and price stability, private property, welfare regime, strength of the economy and sustainability). In the management Index, Russia received a score of 5.5. The Management Index looks at Management Performance (reliable pursuit of goals, effective use of resources, governance capability, consensus-building and international cooperation) and also uses a level of difficulty to reach the overall index number. At the time of writing, the 2006 BTI numerical rankings were not available. www.bertelmnann-transformation-index.de/fileadmin/pdf/Bert_Brosch_re_ENG.pdf, (Accessed May 2005).

The draft of the 2006 BTI says that "the political leadership obviously does not consider a qualitative enhancement of democratic transformation one of the key tasks."[20] While democracy is not important to Putin, the democratic process remains an important aspect of his government; this includes "elections, in which a correct voting process is largely guaranteed, although election campaigns are heavily manipulated in favor of pro-presidential forces."[21] The BTI notes that while there have been a number of reforms under Putin that consolidate his power, they are not necessarily undemocratic. The problem with consolidating presidential power is:

> the power of a president who is willing and able to use informal ways to circumvent the checks and balances of the still weak democratic institutions… the real threat to Russia's democracy is the use of informal political pressure to increase state control over mass media, NGO's and interest representation by business elites. Informal pressure is probably also applied by the state executive to influence the judicial branch. This pressure indicates more than everything else that Putin's main goal in the sphere of politics is control and with that stability and predictability but not democracy as such.[22]

While the BTI does not go as far as Freedom House in evaluating the status of the Russian government, it certainly points out that while Russia has the front of a democracy, the real way that the government is run is not democratic.

Academics have begun to look at yet another option, that the Russia government has started a transition from authoritarianism to democracy, but that transition is not, and will not be completed. As such Russia would fall into the category of a hybrid regime, not wholly democratic, but not wholly authoritarian. Steven Levitsky and Lucan A. Way categorize the regime currently ruling in Russia as competitive authoritarianism. They claim that in competitive authoritarianism regimes, violations of democratic principles occur on a regular basis and that the violations:

> are both frequent and serious enough to create an uneven playing field between government and opposition. Although elections are regularly held and are generally free of massive fraud, incumbents routinely abuse state resources, deny the opposition adequate media coverage, harass opposition candidates and their supporters, and in some cases manipulate

[20] *Bertelsmann Transformation Index*, 2006 draft, 1. Copy provided to author by BTI editor Aurel Croissant.

[21] Ibid., 1-2.

[22] Ibid., 19-20.

> electoral results. Journalists, opposition politicians, and other government critics may be spied on, threatened, harassed, or arrested. Members of the opposition may be jailed, exiled or - less frequently - even assaulted or murdered.[23]

In addition to the characteristics listed above Levitsky and Way point out that the incumbents in a competitive authoritarian regime resort to the above tactics because they are not able to remove the structure and rules surrounding the democratic process. The authors go on to look at four different democratic institutions and how they are manipulated in a competitive authoritarian regime. The first is the electoral arena, where elections are regularly held, although state influence in multiple areas is used to help guarantee the victory of the desired candidate. In addition, international observers are invited to observe the procedures, which can limit the amount of post-voting interference. The second is the legislative arena, where the legislature is allowed to exist and can become a center for the opposition, but opposition usually only occurs when the leaders do not have strong party support in the legislature. While this was the case in Russia in the 1990's it is not under Vladimir Putin, who has the full support of the legislature. The third area is the judicial arena, where the government typically tries to undermine the independence of the judicial branch; this may be through the overt removal of judges or more subtle bribery or threats to ensure cooperation. The final area is the media which plays a large role in this type of regime. They are independent and influential, but are subject to threats and attacks which leads to an increase in their importance as the voice of opposition.[24] While the state of the Russian government fits the first three, the media in Russia does not fit Levitsky and Way's requirement for a competitive authoritarian regime. While the media is not completely state owned, it does not have the independence and influence that is required.

Given the evaluations of each group, it appears that Russia at the end of 2004 most closely resembled the definition of competitive authoritarianism. The country does not have the true requirements for a democracy, but it has not crossed the line completely to an authoritarian regime. The BTI's description of how the government in Russia works is very close to the description of competitive authoritarianism that Levitsky and

[23] Levitsky and Way, 53.

[24] Ibid., 54-58.

Way give in their article. While Russia was not a perfect democracy under Boris Yeltsin, there has been a more negative trend over the first five years that Putin was in office.

C. WHAT ARE THE REQUIREMENTS FOR A FREE MEDIA AND WHY IS A FREE MEDIA IMPORTANT?

For the purpose of this thesis, a free media is considered the same thing as a free press. The definition of a free press is "a body of book publishers, news media, etc., not controlled or restricted by government censorship in political or ideological matters.[25] Freedom House also provides an evaluation of the world's media. It looks at three different aspects of the media: the legal environment, political influence on reporting and access to information, and economic pressure on both content and distribution.[26] The definition is the simplest way to look at a free media, but it is important to consider the aspects that Freedom House evaluates, as they allow a closer look at the degree to which the media is free in a given country.

While a free press is very easy to define, it is not as simple to explain why it is important to a society. As with the ideas surrounding democracy, there are slight variations on the reasons why a free press is important. The importance of a free press is explained by a number of non-profit organizations as well as academics.

The Committee to Protect Journalists is a non-profit organization that has a goal of spreading press freedom across the world, and ensuring that journalists do not become targets because of their work. They believe that press freedom is important because "without a free press, few other human rights are attainable. A strong press freedom environment encourages the growth of a robust civil society, which leads to stable sustainable democracies and healthy social, political, and economic developments."[27]

The International Research & Exchanges Board (IREX) was established in 1968 to develop an exchange program with the Soviet Union and Eastern Europe, today IREX continues to develop an exchange of academic and intellectual ideas, and has spread to

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[25] Stuart Flexner ed, *Random House Unabridged Dictionary*, Second Edition, New York: Random House, 1993, 764.

[26] Freedom House. "Study finds decline in global press freedom," April 27, 2005, http://www.freedomhouse.org/media/pressrel/042705.htm, (Accessed April 2005).

[27] Committee to Protect Journalists, "About CPJ: CPJ at a glance," http://www.cpj.org/development/about_cpj.html, (Accessed May 2005).

over 125 cities in Europe and Eurasia.[28] IREX supports an independent and free media in every country because "by providing balanced and unbiased information- and by serving as a forum for political expression- independent media nurtures an active and informed civil society capable of making meaningful contributions to democratic and economic processes."[29]

Academics also agree that a free media is important in the development of a free society. John Johnson says that "for a society to be considered truly democratic there should be a high degree of protection accorded to the expression of ideas in published form, whether the medium is newspapers, magazines, books, pamphlets, motion pictures, television, or most recently, the internet."[30]

James Curran argues that a free press is important to democracy because "the role of the media… is to act as a check on the state."[31] He continues by saying that the "critical surveillance of the state is clearly an important aspect of the democratic functioning of the media."[32]

Curran also discusses Jürgen Habermas's idea of a public sphere. He describes a healthy democratic system as "one in which concerns are transmitted from the civil-society periphery to the political centre for deliberative debate and appropriate action."[33] This can only be achieved if there is a public sphere that serves as "a network for communicating information and points of view."[34] He goes on to argue that in order to have a balance between civil society and the government that the civil society must be active. The result of this is that "the balance of power between society and the political system then shifts."[35]

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[28] International Research and Exchanges Board, "About IREX: History," http://www.irex.org/about/history.asp, (Accessed May 2005).

[29] International Research and Exchanges Board, "Supporting Independent Media," http://www.irex.org/media/index.asp, (Accessed May 2005).

[30] John W. Johnson, "Democracy papers: The role of a free media," http://www.usinfo.state.gov/products/pubs/democracy/dmpaper8.htm, (Accessed May 2005).

[31] James Curran, *Media and Power*, London: Routledge, 2002, 217.

[32] Ibid., 219.

[33] Ibid., 234.

[34] Ibid., 234.

[35] Ibid., 234.

D. DOES RUSSIA HAVE A FREE MEDIA?

The media in Russia was considered one of the success stories of the 1990's, it was able to convert from a source of state propaganda to an independent and often critical outlet that gave the Russian people the whole story- at least most of the time. By the end of 2004, the media had once again largely become an outlet for state propaganda, reporting when and how the state wanted. Media outlets that refused to cooperate were shut down, and journalists have been brutally attacked and killed for reporting on corruption, the war in Chechnya, or merely for questioning governmental decisions.

There are a number of non-profit organizations that exist to promote the freedom of the media around the world, and to protect journalists. Two of these organizations, the Committee to Protect Journalists (CPJ) and Reporters Without Borders/Reporters Sans Frontières (RSF) provide annual information about how journalists are treated around the world, and how much of a threat they face for doing their job. In addition to its reports about political freedom around the world, Freedom House also provides a report on media freedom around the world which rates press freedom in each country.[36] There are a number of other organizations that evaluate the world's media, however most of those evaluations began with in the last five years and are able to provide the range of information necessary when making a comparison between the years that Boris Yeltsin was president and the years that Vladimir Putin has been in office so far.

[36] While there are a number of other organizations that have begun to track media freedom across the world, Freedom House, CPJ, and RSF provide the most information. Most other organizations have only recently started tracking media freedom, and are not able to provide sufficient information for a comparison over the time period covered in this thesis.

Table 2. Freedom House Press Freedom Survey 1994-2004[37]

Year	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Score	40	55	58	53	53	59	60	60	60	66	67
status	PF	PF	PF	PF	PF	PF	PF	PF	PF	NF	NF

Source: From Freedom House

While Freedom House may provide problematic data year to year, the press survey appears to be slightly more accurate than the political survey is. For example, Iran is ranked as NF in the 2004 Press Freedom Survey, with a score of 79, as mentioned above, Iran was ranked as more free politically than Russia in the 2004 Political Survey.[38] The above data suggests that the Russian press was fairly free during 1994, and while it had moved a little bit during the 1990's it remained in the partly free category. The large change occurred starting in 1999, and has continued to 2004. It is important to note that the scale of partly free is from 31-60, so Russia has been on the higher end of the scale since 1995; it did not cross into the not free status until Vladimir Putin was elected president.

While this thesis deals with the internal Russian press, it is important to note that there are a number of international press agencies and companies that operate in Russia. However, the foreign press tends to follow the lead set by the Russian press. Foreign journalists depend on access to the country, access given by the state, therefore they do not tend to question state policies or decisions any more than the Russian press do. The internet is a new outlet for the media in Russia; however there is not enough internet

[37] Freedom House evaluates media on a scale of 0-100; 0-30 is Free (F), 31-60 is Partly Free (PF), 61-100 is Not Free (NF). 1994-2001 Freedom House evaluated 4 aspects of the media; 1- Laws and regulations that influence media content, 2- Political pressures and controls on media content, 3- Economic influences on media content, and 4- Repressive actions (killing of journalists, physical violence against journalists or facilities, censorship, self-censorship, harassment, expulsion, etc.) 2002-2004 Freedom House evaluated 3 aspects of the media; 1- Laws and regulations that influence media content, 2- Political pressures and controls on media content (including harassment or violence against journalists or facilities, censorship, self-censorship etc), and 3- Economic influences over media content. In both year groups of evaluation, the total points available were still 100. Available from Freedom House, *2004 Press Freedom Survey*: Ratings http://www.freedomhouse.org/pfs2004/pfsdata/xls, (Accessed April 2005) and Freedom House *2004 Press Freedom Survey*: Data http://www.freedomhouse.org/research/pfsratings.xls, (Accessed April 2005).

[38] Freedom House, *2004 Press Freedom Survey*: Ratings.

access across the country for the internet to counteract what has happened to the print and electronic (radio and television) media outlets.[39]

[39] For a list of television stations operating in Russia see http://www.lyngsat-address.com/tv/Russia.html, (Accessed May 2005). For a brief discussion about the role external media in Russia, see Ivan Zassoursky, *Media and Power in Post-Soviet Russia*, Armonk, New York: M.E. Sharpe, 2004, 110.

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II. MEDIA IN THE YELTSIN YEARS

> Yeltsin's administration's failure to articulate and implement in legislation a consistent press policy kept much of the press in economic limbo, left the door wide open for political manipulation of press issues, and seemed to reflect a deep philosophical unwillingness to fully relinquish the old Soviet controls.40

As the first president of Russia, Boris Yeltsin was responsible for the development of both the state, and the components of the state. Under his presidency the first laws concerning the Russian media were developed. The 1991 Media Law was the first law that addressed the Russian media. This chapter will examine the laws and later amendments that laid out basic ground rules for the media to follow; in addition to the legislation that was passed, the norms of how journalists acted and interacted with the state were also established. This will establish the background against which to determine whether the Russian media has played and is necessary to the development of democracy in Russia.

Another aspect this chapter will look at is the relationship that developed between Yeltsin and the leading group of businessmen in Russia at the time, the oligarchs. The oligarchs were a few businessmen who were able to capitalize on the privatization of state owned business and purchased many large companies for a relatively small price. In addition to natural resource companies, and industrial companies, they also purchased media outlets. It is their influence in the media that helped establish the working relationship between Russia's new free media and the government in power.

While it would seem relatively easy for the established media in Russia to make the transition to a free media, there were a number of problems that they faced. The biggest issue was how to stay solvent; under the Soviet Union the media was funded by the state as a tool of propaganda. Once that state funding, and state control of distribution (for the print media) was gone, the individual outlets had to figure out on their own how to get enough money to stay in business, and how to buy their supplies, and distribute their finished product. This resulted in some of the media outlets being purchased by the

40 Jamey Grambrell, "After the Bloodshed: Survey of the Russian Press from 1993 to 1995," in *Russian Media Law and Policy in the Yeltsin Decade*, Monroe E. Price, Andrei Richter and Peter K. Yu, eds The Hague: Kluwer Law International, 2002: 19.

Oligarchs, who not only could afford to lose money in a newspaper, but got the advantage of gaining an outlet through which they could express their political opinions and views. Other outlets relied heavily on state controlled grants, which led to state influence over the content of those papers.

A. 1991 MEDIA LAW

The Russian media law was signed by President Yeltsin shortly after the formal dissolution of the Soviet Union. The law was:

> practically the first effort throughout all of the transition societies to enact a modern framework for communication policy. Drafted by journalists and academics in a time of dramatic change, the law is an awkward version of an ideal, a sometimes apolitical formulation of the proper relationship between the media and the state. The Russian Mass Media Law is not a statute that begins with language glorifying the state, or in which the state is even a central actor. The idea of the statute is to involve the state as little as possible, to move toward autonomous information providers that have rights against the state, rather than the other way around. As an embodiment of Western traditions of independence, the statute might be an emblem of democratization—an ingredient, like a new flag of a new national identity—rather than the means to implement or require aspects of loyalty.[41]

The law gave the basic rules that journalists and media outlets were to follow and provided some restrictions that were good, and some that were bad. While the usefulness of the restrictions can be debated, the law provided "serious legal guarantees of media activity that were in accordance with democratic principles."[42]

While the first part of the law prohibits censorship, the fourth section lays out certain circumstances where censorship by the state is permitted. Article 1, "Freedom of Mass Communication" says:

> In the Russian Federation, the retrieval, receipt, production and dissemination of mass communication, the foundation of mass media, the possession, use and disposal of these media, the manufacture, acquisition, storage and use of technical facilities and equipment, raw and auxiliary materials designed for the production and spread of products of mass

[41] Monroe E. Price, "Law, Force, and the Russian Media," in Price, Richter and Yu, 33.

[42] Andrei Richter, "The Russian Press After Perestroika," in Price, Richter and Yu, 5.

> information media; shall not be restricted unless prescribed by the legislation of the Russian Federation on mass media.[43]

While Article 1 gives the media freedom, Article 4 already starts to limit what the media can do.

> No Provision shall be made for the use of mass media for purposes of committing criminally indictable deeds, divulging information making up a state secret or any other law-protective secret, calling for the seizure of power, violently changing the constitutional system and the state integrity, fanning national, class, social and religious intolerance or strife, propagating war, and also for the spreading of broadcasts propagandizing pornography or the cult of violence and cruelty.[44]

While it may be important to limit the use of the press to start strife or uprising, it is important to allow the press to do their job as a part of civil society. Allowing the press to do the job of discussing issues and ideas can lead to violation of this law, as it is interpreted by whoever is in power.

The law also provides for what information the public is eligible to have access to, how and when the state can provide that information, and when the state can refuse to release information. Chapter IV of the law addresses these issues. Article 38 says "through mass media private citizens shall have the right to the operative receipt of authentic information about the activities of state organs and organizations, public associations and their officials."[45] Article 39 says "the editorial office or broadcasting section shall have the right to request information about the activities or state organs and organizations, public associations and their officials. The request for information is possible both in oral and written from."[46] Article 40 gives information about what the state has to do if it is to refuse the request for information. The state must issue a refusal note, including the reason for the refusal and the person who is making that decision.[47] These articles give the media a lot of rights in terms of requesting information, but they also give the state the ability to not release that information.

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[43] Law of the Russian Federation Number 2124-1 On the Mass Media, December 27, 1991, Article, 1, http://www.internews.ru/law/massmedia_eng/massmedia_eng.html, (Accessed June 2005).

[44] Ibid., Article 4.

[45] Ibid., Article 38.

[46] Ibid., Article 39.

[47] Ibid., Article 40.

The media law provides for the freedom of the media, but it also gives situations under which the state can control the media. The law provides specific situations under Article 4, but they are subject to the interpretation of the powers enforcing the law. Article 40 provides the situations under which the state can keep information secret. Again, while the law lists reasons to not release information, the final decision is up to the person or agency in charge of the information. This allows a person or agency to deny the release of information. In 1995, a law was passed to help clarify this situation. The Law on Information, Informatization and the Protection of Information "clearly determines what information cannot be classified as secret."[48] However, this law fails to clarify who is responsible for implementing and enforcing the law.[49] An analysis of this found that "the mechanism in the Law on Mass Media for requesting, obtaining and disseminating information appears sufficiently capable of achieving the intended result. In practice however this mechanism is extremely difficult to utilize."[50] As a result journalists do not always have access to the information that they have a right to access. While there are two different laws that regulate journalist's access to information, it is up to the people enforcing the laws to make sure that they are followed.

In addition to the mechanical difficulties with obtaining information, the factor of timeliness has an effect. Media outlets require information in a timely manner in order to prepare stories and reports. "The immediate access to information, and not proving the right to the information in court, is the goal of the mass media."[51] Although it is important to prove that the information should be made available, the media needs the information in order to prepare their stories. There have been a couple of cases that have been brought before the courts, but both the courts and the media often lack the experience necessary to properly handle the cases.[52] Not having easy and quick access to information is a large stumbling block for the Russian media.

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[48] "Media Regulation in the Russian Federation: The legal Basis of Media Regulation, The Rights and Duties of Journalists," January 1997, http://www.internews.ru/report/media/part2_3.html, (Accessed April 2005). This report was commissioned by USAID- Moscow, and was researched by Pilugin International Ventures, Inc.

[49] Ibid.

[50] Ibid.

[51] Ibid.

[52] Ibid.

The media law also lays out who is eligible to own media outlets in Russia, although the word "founder" is used in place of "owner." Article 7 says that a founder can be "an individual, association of individuals, enterprise, institution, organization or a state body."[53] The same article prohibits citizens under the age of 18, legally banned individuals or groups, and citizens of foreign states from owning media outlets.[54] The issue of requiring a founder as well as information about financers on the registration form caused some initial problems. "This procedure let the editorial staffs look for and register 'founders' that could be different from their own masters, or even register the newspaper as their own."[55] The required information is good because it requires the media outlets to be open about who owns and who is financing the outlet. However, by limiting ownership to Russian citizens, foreign investors are prevented from opening or and running media outlets in Russia.

Article 8 of the media law requires that media outlets in Russia register once a year, and that they must issue their product within one year of their registration. The registration requires: information about the owner, the name of the outlet, what language is to be used, where the offices are, where it will be issued, any specialization, periodicity, source of financing, and information about any other media outlet that the owner is founder, owner, editor or distributor.[56] Article 11 allows for the refusal of re-registration of any outlet that has their registration revoked by the court.[57] Outlets that are founded by the state, or serve the state do not require registration. Print outlets with a circulation of less than one thousand copies and audio or video programs with less than ten copies are also exempt from the registration requirements in accordance with Article 12.[58] The requirement for annual registration gives the state the opportunity to refuse the re-application for any media outlet that it chooses. There are a number of requirements for registration, and therefore a number of different reasons that a registration can be refused.

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[53] Law of the Russian Federation Number 2124-1 On the Mass Media, Article 7.

[54] Ibid.

[55] Richter, 7.

[56] Ibid., Article 8.

[57] Ibid., Article 11.

[58] Ibid., Article 12.

Article 13 allows for a media outlet to have its registration request refused. The grounds for refusal include: the person/group applying is ineligible in accordance with the media law, false information is provided, and an outlet of the same name is already registered. The registration request must be returned with a notification of why the registration was refused.[59] There are also grounds under which the registration request does not even have to be considered. These include: violating requirements for media outlets listed in Articles 8 and 10, filing for a third party without permission, and failing to enclose the registration fee.[60] While these articles provide legitimate reasons for denying registration, they can also be used as an excuse to refuse registration of a media outlet.

Article 16 addressed the termination of registration. The reasons for lawful termination can be "only by decision of its founder or by a court of law in civil proceedings at the suit filed by the registration body of the Ministry of the Press and Information of the Russian Federation."[61] The problem with this is that the Russian Judicial system is not experienced enough with matters concerning the media to always do the right thing. If the state orders an outlet closed, the judicial system appears that it would side with the state before if sides with the media outlet. Hopefully with more experience the judicial system will be able to make the correct decision.

While the law provides the media with the necessary legal protection, it also allows for interpretation that can be more beneficial to the state. The way that the law is interpreted and implemented ultimately determines how effective it is in establishing and maintaining an independent media in Russia. Unfortunately, the law has been used more to limit the development of the media than to allow for its development and expansion. If the law is followed as written, it would help encourage the development of a more free media in Russia.

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[59] Law of the Russian Federation Number 2124-1 On the Mass Media, Article 13.

[60] Ibid., Article 13.

[61] Ibid., Article 16.

B. PRIVATIZATION OF MEDIA

The privatization of the media in Russia was necessary for its survival. Before the collapse of the Soviet Union, the media had already begun to take a more active role in society. It had started to question decisions and provide opinions about what was occurring in the country. However, with the collapse of the Soviet Union, the economic support of the media also disappeared. The established media outlets were forced to find a way to support their business in a time when there were no economic controls, and new outlets were appearing to compete for the same market.

Through the early 1990's, the Russian print media had an established pecking order. The publications with the largest circulation were based in the larger cities. The largest was Moscow, although the print media there only made up about 3% of the total newspapers and magazines in Russia, it accounted for over 97% of circulation. There were newspapers and magazines for every aspect of Russian life from sports to literature to film. Each regional of Russia had a similar pattern to that of the Moscow print media, with the capital based media having a larger circulation base than those based in smaller cities.[62]

Once the Soviet Union was dissolved, and the media was freed, many groups attempted to launch their own newspapers and magazines. This resulted in the saturation of the media markets across Russia. As a result "many newspapers rely on revenue from other business ventures or wealthy 'sponsors' to support their publication."[63] In addition to the challenges regarding basic funding, publication costs were extremely high. The price for a small black and white, rebuilt Western printing press was $500,000. This price did not include a building, training of personnel or plates and other required equipment.[64] The Russian government did make attempts to support the emerging media market, but it was too little. It was estimated that in 1995, "the Russian government spent some 9 billion rubles ($2 million USD) on printing plants and their maintenance at a time with an estimated 740 billion ($150 million USD) was needed."[65] It is easy to

[62] Richter, 6.

[63] Media Regulation in the Russian Federation: The Russian Media and its Constraints, Constraints on the Media," January 1997, http://www.internews.ru/report/media/part1_3.html, (Accessed May 2005).

[64] Ibid.

[65] Ibid.

understand why the media outlets turned to individual investors to support their companies.

In addition to the business opportunities that media outlets provided for investors, the power of the media was quickly realized.

> Amid the collapse of the Soviet system, only the mass media could influence the way electors voted. Consequently, it was the media on whom the question of who would rule the country depended. The question of who ruled the country would in turn decide who owned the mass media. The chief editors and influential journalists were agitated above all by the question of whether their assets would be nationalized by communists. [66]

This created a cycle; the media used their influence to ensure that elections were won by officials who would be kind to the media. In return, those who were elected would provide support to the media, or to the owners of media companies. This in itself created problems between the media and government. The press had lost some of its status as independent, as it needed the support of both individual investors and the government to survive. However the press had not lost its voice, and continued to be critical of the government. The government in turn did not understand why the press would criticize the source of its funding.[67]

After the 1995-1996 election cycle proved how powerful the media could be, individual investors continued to try to gain access to the media outlet. "Impressed by the effectiveness of the media techniques used in the presidential election campaigns [1996], powerful business groups entered into an 'information arms race.'"[68] While the power of the media was recognized, it had not been used for anything but the election until Svyazinvest was auctioned off. The company had controlling interest in "seventy-six regional telephone enterprises, five city telephone companies, four telegraph centers, and three international communications operations."[69] As expected, there was a lot of interest in gaining control of the Svyazinvest. Two of Yeltsin's biggest supporters, Berezovsky and Gusinsky had entered a bid together, but so had another Yeltsin

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[66] Zassoursky, 15

[67] Ibid., 17.

[68] Ibid., 29.

[69] Ibid., 84.

supporter, Potanin. After the election Potanin had become the first deputy prime minister. Potanin and his partner won the election. As would be expected Berezovsky and Gusinsky were upset and began "the most powerful information campaign ever launched against business competitors and the government in the 1990's."[70] Berezovsky and Gusinsky's media outlets attacked the government, Potanin, and the auction process. The government in turn counterattacked. The battle lasted for weeks, and was conducted through the media outlets on each side.[71]

The importance of this situation is that for the first time the major media outlets and the government were on opposite sides of an issue. The power of the media had been recognized, and it was being used. The media continued to be used as a battle ground between the state, and various economic interests, as well as between the interests themselves.[72] The important thing about this series of events is that it showed how powerful the media could be, and that the owners of the media outlets were not afraid to use their outlets to achieve their own goals.

C. BORIS BEREZOVSKY

As discussed, the major media outlets were controlled by a small number of businessmen. Boris Berezovsky had control of a number of media outlets. He made most of the business decisions for ORT and also ran TV-6. In addition to the television outlets; he had controlling ownership of a number of print publications including the respected newspaper *Nezavisimaya Gazeta* and the magazine *Ogonyok*.[73]

As the power of the media was developed by both the state and the individual businessman, the government began to limit the opposition. The move against Berezovsky had actually been started during the Yeltsin era. In April 1999, an arrest warrant was issued for him, the crime was espionage. It was believed that although the charges had some base in fact they were also part of a personal vendetta of then Prime Minister, Yevgeni Primakov.[74] Berezovsky has lived in France and Britain since the

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[70] Zassoursky, 85.

[71] Ibid., 85-88.

[72] Ibid., 88.

[73] Ibid., 204-5.

[74] Paul Quinn-Judge, "The Fall of an Oligarch," *Time*, April 19, 1999, http://www.time.com/time/magazine/intl/article/0,9171,1107990419-23698,00.html, (Accessed May 2005).

issue of the warrant. In November 2002, Russia submitted paperwork to Britain asking that the exiled businessman be arrested for aggravated fraud that supposedly occurred in 1994 and 1995. He was arrested in March 2003, and released on bail, with the condition that he remains in Britain.[75] In September 2003, the Home Secretary of Britain granted Berezovsky political asylum. As a result Russia's extradition request was refused.[76]

In addition to the personal attack, the government has gone after the media holdings of Berezovsky. The first target of the government was TV6, which lost its appeal against liquidation in November, 2001 in a Moscow arbitrary court and was taken off the air.[77] The Russian higher arbitration court upheld the decision in January 2002. The liquidation process was started when a minority stockholder, Lukoil, took the company to court over mishandling of funds. Berezovsky however, criticized the decision calling it politically motivated, as Lukoil is a minority stockholder, and owned by the Russian state.[78]

The first attacks against the independent media and their owners began under Yeltsin. The attacks started when the power of the media was understood. The state took steps to limit that power; Yeltsin's administration started a trend that would accelerate under Vladimir Putin.

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[75] Rosbalt News Agency, "Russian Tycoon Boris Berezovsky Bailed out in Britain," March 27, 2003, http://www.rosbaltnews.com/2003/03/27/61948.html, (Accessed May 2005).

[76] CNN.com, "Berezovsky Granted Asylum in UK," September 12, 2003, http://www.cnn.com/2003/WORLD/europe/09/12/berezovsky.asylum/index.html, (Accessed May 2005).

[77] Reporters Sans Frontières, "Compulsory Liquidation of Nationally Broadcast Independent TV Channel TV6," November 29, 2001, http://www.rsf.org/article.php3?id=354. (Accessed May 2005).

[78] CNN.com, "Russian TV Station Closed Down," January 11, 2002, http://archives.cnn.com/2002/WORLD/europe/01/11/russia.tv6/index.html, (Accessed May 2005).

III. MEDIA IN THE PUTIN YEARS

> We never had freedom of speech in Russia, so I do not understand what can be violated.
>
> Vladimir Putin[79]

Many of the current laws regarding the Russian media were developed during Vladimir Putin's first term in office. This chapter will examine these laws and use them to assess the development of democracy in Russia through an analysis of the changes in media freedoms under the current government. While Putin did inherit some laws regarding the media, his regime has approved a number of laws that restrict the Yeltsin-era rights of the media in Russia. These laws include what type of election coverage is allowed, media access to war zones, and media access and behavior during events of national crisis. Although the law regarding press coverage was later revoked by the Russian Constitutional Court, the law was passed by the Duma and signed by the President. These new laws have severely impacted the way that journalists work in Russia, and have threatened to eliminate any opposition to Putin's ideas in the press. In addition to the laws that have passed, journalists have reached informal agreements with the state about how to cover certain events, such as terror attacks, and in some cases have resorted to forms of self censorship to avoid prosecution. The specific laws that will be addressed are the Information Security Doctrine, the Federal Law on Emergency Situations, the Law on the Struggle with Terrorism and the Law on Mass Media, the Anti-terrorist Convention, and the Federal Law on Election Coverage.

A. INFORMATION SECURITY DOCTRINE (2000)

The Information Security Doctrine was approved on September 9, 2000 by Putin.[80] The purpose of the doctrine has been heavily debated. Putin said that the "doctrine would safeguard journalists' rights, help crack down on computer crime and

[79] BBC Monitoring, "Russia's Putin slams Sovietology, Praises Outcome of Chechen Referendum," September 26, 2003, http://www.lexis-nexis.com, (Accessed May 2005).

[80] RFE/RL Newsline, "More Criticism of Information Security Doctrine Voiced," September 15, 2000, http://www.rferl.org/newsline/2000/09/150900.asp, (Accessed May 2005).

support the telecommunications industry."[81] A top official from the Union of Journalists in Russia claims that the doctrine is "'a real and present danger to the country's information security' because it is 'written in a spirit very much at odds with the principles of freedom of expression and openness.'"[82] Yevgenii Volk of the Heritage Foundation said that the "general intent is quite clear—the authorities are trying to increase their control over all aspects of the mass media, including the internet."[83] A Heritage Foundation evaluation of the doctrine found that it "confuses legitimate concerns about the protection of classified information in databases and government owned information networks, with a preoccupation with ideology and control of the mass media."[84] Andrei Richter also expressed concern about the doctrine, claiming that "the main purpose of the Information Security Doctrine was to establish a legal basis for increasing governmental control over the flow of information."[85]

The first section of the doctrine discusses information security in Russia. The first article addresses the importance of information to Russia, and why it is important to secure that information.

> The present stage in the development of society is characterized by the growing role of the information sphere which represents a combination of information, the information infrastructure, the agents that gather, form, disseminate and use information as well as the system of regulating the social relations arising from this. The information sphere, being a pivotal element in the life of society, exerts a strong influence on the state of the political, economic, defense and other components of the security of the Russian Federation. The national security of the Russian Federation depends to a substantial degree on ensuring the information security, a dependence that will increase with technological progress. By information security of the Russian Federation is meant the protection of its national interests in the information sphere that are determined by the balance of the interests of the individual, society and the state. [86]

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[81] Andrew Kramer, "Russian government approves 'information security doctrine,'" Foxnews Wire, June 23, 2000, http://www.freerepublic.com/forum/a3953f7c51d94.htm, (Accessed May 2005).

[82] RFE/RL Newsline, "More Criticism of Information Security Doctrine Voiced."

[83] Ibid.

[84] Ariel Cohen, "Russian New Information Security Doctrine an Orwellian Déjà vu," UPI Analysis, October 10, 2000, CDI Russia Weekly #123, http://www.cdi.org/russia/123.html, (Accessed May 2005).

[85] Cameron Ross, *Russian Politics under Putin*, Manchester: Manchester University Press, 2004: 136.

[86] "Information Security Doctrine of the Russian Federation," Pr-1895, approved by President Vladimir Putin, September 9, 2000. http://www.medialaw.ru/indep/en/d2-4.htm, (Accessed May 2005).

While the doctrine initially says that a balance between the individual, society and state is important, it does not say that the balance should be equal, or what the balance is at all. The doctrine says that the interests of the individual are important because citizens have the right to access information. The interests of society are important because of the importance of society in strengthening democracy and achieving stability in Russia. The interests of the state are important for development and stability of the state.[87] While the doctrine allows for a balance, the reality is that the state continues to control information and who has access to it. The doctrine just increases the legal basis for keeping information secret.

The first article of the doctrine also identifies four "main components of the national interests of the Russian Federation in the information sphere."[88] The first component involves insuring that the rights and freedoms guaranteed to the people in Russia are protected. This includes the guarantee of "freedom of mass information and a ban on censorship; not to allow propaganda and agitation that contribute to the kindling of social, racial, national or religious hatred and hostility."[89] This statement is very vague which allows it to be interpreted in many ways. This can lead to the authorities choosing how to enforce the law, and changing it as is necessary to serve whatever purpose is important at the time. The second component involves the support of laws and regulations regarding state policy about information. This includes the need to "strengthen the state mass media, to expand their potential for providing Russian and foreign citizens with authentic information in a timely manner." The third component involves developing industry within Russia to support information based technologies. This includes the need to "develop the production in the Russian Federation of competitive means and systems of informatization and telecommunications, to broaden the participation of Russia in international cooperation of the producers of such means and systems." The fourth component involves the direct protection of information. This includes the need to "enhance the security of information systems… [and] to ensure the

[87] "Information Security Doctrine of the Russian Federation," Article 1.

[88] Ibid.

[89] Ibid.

protection of data constituting a state secret."[90] This article lays out the importance of information security, as well as increasing the ability for state control. While all states need to have the ability to secure their information, there has to be a balance with the people and society. By eliminating that balance, and keeping information from the public, the state is taking away its own accountability to the people.

The second article of the doctrine establishes the types of threats to the information security of Russia. These include "threats to the constitutional rights and freedoms of man and citizen… threats to the information support of the state policy of the Russian Federation."[91] One of these threats is the establishment of monopolies on getting and distributing information. While it is bad for one company to gain control of the media network in Russia, the government is in fact doing this. A number of independent media outlets have been pursued and closed, in part because of this threat. However, with the closure of independent media outlets, the state is solidifying their monopoly on the media, and therefore on the collecting and distribution of information.

The third article of the doctrine establishes what the sources of threats are to information security in Russia. The threats are considered as internal or external. The external threats include foreign countries, international corporations and international terror groups.[92] The internal threats include the poor economy, the growing criminal class, ineffective laws, uneducated workers in the information security field, and ineffective communication about laws and regulations between the state and its people.[93] Foreign governments and companies may provide a legitimate threat to the Russian government and business. However, some of the internal threats were created by the government itself. One of the internal threats is "insufficient development of the institutions of civil society."[94] By increasing controls on the media, and therefore control of the information that is released to the public, civil society is not able to develop. That causes the very threat that the Information Security Doctrine is supposed to guard against.

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90 "Information Security Doctrine of the Russian Federation," Article 1.

91 Ibid.

92 Ibid., Article 3.

93 Ibid.

94 Ibid.

Article four of the doctrine discusses what has been done to establish information security and what needs to be done to maintain that security. This section finds that:

> The present-day political and social-economic conditions in the country tend to exacerbate the contradictions between the needs of society to expand free exchange of information and the need to preserve certain regulated restrictions on its dissemination.[95]

The article goes on to say that the conflict between people and the state over information is damaging to social and political stability in Russia.[96] This appears to be an excuse to increase the regulations on the release of information. An earlier draft of the doctrine was criticized by a Russian radio talk show host who said "in a Soviet manner, it equates the protection of public interest with the protection of state interests."[97] While it is easier to justify restrictions with this article, it does not make it correct. The release of information may result in an upset society, but that is part of having an active democratic civil society.

The fifth article discussed the general methods of ensuring information security, breaking the methods up into legal, organizational-technical, and economic.[98] The legal methods include changing existing laws, or passing new laws to help guarantee information security. This includes clearing up discrepancies among existing laws and clarifying the status of international information agencies and businesses that have invested in the Russian infrastructure.[99] This is one of the positive parts of the doctrine. Conflicting laws lead to confusion. If the doctrine can reduce conflicts in the laws applying to both the state and the public, the rights of the media and citizens should be clearer.

Article six of the doctrine addresses how to handle information security in different "spheres of social life." The specific spheres that are addressed are: economic, internal politics, external policy, science and technology, spiritual, national information and telecommunications systems, defense, law-enforcement and judiciary spheres, and

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95 "Information Security Doctrine of the Russian Federation," Article 4.

96 Ibid.

97 Andrew Kramer, "Russian Government Approves 'Information Security Doctrine.'"

98 "Information Security Doctrine of the Russian Federation," Article 5.

99 Ibid.

emergency situations. One of the common threats in each sphere is international business. While there may be a legitimate threat from international corporations, any economy needs international corporations to survive in the world market. The state should provide controls, but must also allow foreign companies to operate and invest in Russia.

Section four of the doctrine addresses the "organizational basis of the system of ensuring the information security of the Russian Federation."[100] Article ten discusses the main purposes of the state's policies on information security. These include assessing the information security in Russia, coordinating the action of various state bodies, stopping offenses and crimes against information security and protecting state resources.[101]

While the Information Security Doctrine provides a number of valid and important parts, it also provides the means for greater state control over the media and information. It allows the state to use information security as a justification for controlling media outlets and the release of information to the public. While it is important for state to be able to control access to information, it should be for legitimate purposes.

B. FEDERAL LAW ON EMERGENCY SITUATIONS (2001)

The updated version of the Federal law on emergency situations became active on 1 June 2001. The new law caused a lot of concern to journalists and journalist protection groups because of the wide latitude it gives to the state to control media coverage of events. As with the previous law, the state can control media coverage of the following events: "attempts to forcibly change the constitutional order, massive unrest accompanied by violence, interethnic conflict and blockades of localities that threaten the lives and safety of citizens or the normal activity of state institutions."[102] The law also provides a new list of additional events during which media coverage can be controlled: "attempts to seize power, armed insurgency, terrorist acts, blockading or seizure of important places/buildings, preparation and activity of illegal armed groups, and interfaith and

[100] "Information Security Doctrine of the Russian Federation," Section IV.

[101] Ibid., Article 10.

[102] Moscow Media Law and Policy Center "Media during Emergency Situations: A commentary on the Federal Law on Emergency Situations." Mass Media Law and Practice Bulletin, June 2001, http://www.medialaw.ru/e_pages/research/commentary8.htm, (Accessed May 2005).

regional conflicts."[103] In addition to the list of events, the law also gives the president control over the press: "the responsibility to evaluate whether introduction of censorship is appropriate to the extreme situation falls to the president."[104]

C. LAW ON THE STRUGGLE WITH TERRORISM AND THE LAW ON MASS MEDIA (2002)

This proposal was passed by the Duma on November 1, 2002, and passed the Federation Council on November 13, 2002. The proposed changes would:

> bar dissemination of information seen as hampering anti-terrorist operations, endangering lives, remarks judged as propaganda or justifying resistance to counter-terrorist measures. They also prevent the media from publishing information about technology, arms, ammunition and explosives used in anti-terrorist operations.[105]

The proposal was forwarded to the President, who vetoed it. In a letter to the speakers of the Duma and the Federation Council, Putin said that he vetoed the law because "the legal proposals do not fully reflect the current situation in the fight against terrorism and do not help ensure the security of citizens during counter-terrorism operations."[106] He said that if the law was passed, "this would not only fail to make the fight against terrorism more effective, but may also create preconditions for imposing unjustified restrictions on citizens' rights to information."[107]

While Putin argued that there were problems with the law, outside organizations had attempted to prevent the signing. The secretary-general of Reporters Sans Frontières said that "the amended law's very general terms suggest that the censorship in recent years of the war in Chechnya will be stepped up."[108] The statement was made in a letter to the presidents of the upper and lower houses of Russia's parliament.

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[103] Moscow Media Law and Policy Center "Media during Emergency Situations: A commentary on the Federal Law on Emergency Situations."

[104] Ibid.

[105] Reuters, "Russian Senator's Back Tough Post-siege Media Curbs," November 13, 2002, Johnson's Russia List #6550, http://www.cdi.org, (Accessed April 2005).

[106] Interfax, "Putin Comments on Reasons why he Vetoed Media Law Amendments," November 27, 2002, Johnson's Russia List #6575, http://www.cdi.org, (Accessed April 2005).

[107] Ibid.

[108] Reporters Sans Frontières, "Reporters Without Borders Repeats Call for New Version of Anti-Terrorism Law," November 27, 2002, http://www.rsf.org/article.php3?id_article=4392, (Accessed May 2005).

In addition to objecting to the Russian government Reporters Sans Frontières requested that the United Nations and the Council of Europe review the law. The request was made to the UN Special Rapporteur on Freedom of Opinion and Expression and president of the Council of Europe's ministerial committee. The request was made on the grounds that the new law "violated international press freedom standards."[109]

The executive director of the Committee to Protect Journalists, Ann Cooper, sent a letter to Putin requesting that he not sign the law. Cooper recognizes that the Russian citizens had gone through a traumatic experience with the Moscow hostage crisis, but reminds Putin that the media was and will continue to be important. The media was able to provide information to a worried public, and after the crisis ended the media was able to ask the Russian government questions that the public wanted answered. She recognizes that some of the questions may have made Putin and his government uncomfortable, but reminds him that is the role of the media. In addition to her letter, the CPJ website provides a fax number and address and asks for readers to write or fax Putin to encourage him not to sign the laws.[110]

In the time between the proposal of the law and the veto of the law, a number of media outlets were impacted by the law. A regional TV station was shutdown on October 25, 2002, the offices of a weekly newspaper were searched on November 2, 2002, and a large radio station's website was threatened. Each of these outlets was attacked because of how they had covered the Moscow theater crisis in late October 2002.[111]

While there have been legitimate problems with the law that led to Putin vetoing the bill, getting international pressure was also an influence in his decision. Having the law referred to the UN and Council of Europe could result in international pressure and attention that no country would want.

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[109] Reporters Sans Frontières, "Reporters Without Borders Refers New Anti-terrorist Law to UN and Council of Europe," November 4, 2002, http://www.rsf.org/article.php3?id_article=4215, (Accessed May 2005).

[110] Ann Cooper, "CPJ Urges Putin not to Sign Amendments," November 14, 2002, http://www.cpj.org/protests/02ltrs/Russia14nov02pl.html, (Accessed June 2005).

[111] Reporters Sans Frontières, "Reporters Without Borders Repeats Call for New Version of Anti-Terrorism Law."

D. ANTI-TERRORIST CONVENTION (APRIL 2003)

In an apparent deal to enact the ideas presented in the Law on the Struggle with Terrorism and the Law on Mass Media discussed above, on 8 April 2003, a number of media executives and representatives of the government signed a statement agreeing to limit media coverage of terrorist events, and the government's response to terrorist events.[112] Talks about limiting coverage had supposedly begun shortly after the Moscow Theater Crisis in October of 2002. The convention says:

> We are sure that the threat of terrorism must not be used as a pretext of justification for restrictions on the right to freedom of opinion or freedom of media or mass communication. At the same time, aware of danger stemming from terrorism and the responsibility that provision of information involves in such an environment, we consider it necessary to voluntarily adopt the following rules of conduct for mass media and pledge to use them as guidance in our work.[113]

While the opening statement is somewhat positive, the rest of the agreement limits what journalists can do during a terror crisis. Journalists who enter the area of a crisis "must possess an identity card of their mass media group or another document identifying the personality and powers of the journalist, and show it at the first demand."[114] A journalist:

> must not interview terrorists at his own initiative during a terrorist act except at the request or with the sanction of the coordinating committee; provide terrorists with an opportunity of appearing in a live radio or television program without consulting the coordinating committee; take the role of mediator independently.

There are a number of other things in the convention that limit a journalist's ability to report on events of national interest. In addition to requirements for individual journalists, the mass media has restrictions placed on its behavior. The mass media is warned that it must:

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[112] Among those who signed were the director of pro-government Channel One television network, the director of state run Rossiya television network, the president of the pro government Mediasoyuz journalists' union, and the editor in chief of the independent radio station Ekho Moskvy. CPJ, "Russia: National Media Outlets Agree to Curb Reporting on Terrorism," 11 April 2003, http://www.cpj.org/news/2003/Russia11apr03na.html, (Accessed April 2005).

[113] "Anti Terrorist Convention," Interfax News Agency, http://www.cpj.org/news/2003/Russia11apr03na_attachment, (Accessed May 2005).

[114] Ibid.

> avoid reporting details of professional action to rescue people;…be particularly sensitive in dealing with eyewitnesses of events as sources of information; avoid excessive naturalism in showing the site of an event or those involved in it…make careful use of terminology in covering events; it is wrong to come under the influence of terrorists who use self-designations that serve their purpose.[115]

While a number of the points the convention makes may be valid, they are vague and how they are interpreted are more important than exactly what they say. As with other laws passed regarding the press, the agreement is vague and its interpretation is up to the people that are enforcing it. The agreement appears to say that journalists should not listen to or broadcast eyewitness reports about what happened, as they may not have all the facts. A statement from officials will be more valid than the comments of somebody who was a victim or witness to a terror attack. It also apparently warns that journalists can not call individuals who have been labeled terrorists by the government "insurgents" or "freedom fighters," or portray them as anything other than violent criminals.

The Center for Journalists in Extreme Situations conducted a legal analysis of the convention and found that it "fails to clarify who is responsible for monitoring compliance with the restrictions and what are the consequences of violating the agreement."[116] Without having an established process for determining what a violation is, and how that violation is to be enforced, the agreement remains vague. As a result the agreement can be interpreted however and whenever any authority chooses. This results in a press that does not know when and how it will be punished, and will subsequently lead to self censorship when covering terrorist events to prevent punishment by authorities. The spirit of this agreement is very similar to the law that was passed by the Duma and Federal Council in November 2002, but vetoed by Putin.

E. FEDERAL LAW ON ELECTION COVERAGE (2003)

One of the most powerful things Putin did to influence the media during the 2003-2004 election cycle was to sign a law in July of 2003 that made it possible for the government to shut down media outlets violate the law. The law was proposed by the Central Electoral Commission as a way "to stop politicians commissioning articles that

[115] "Anti Terrorist Convention."

[116] CPJ, "Russia: National Media Outlets Agree to Curb Reporting on Terrorism," April 11, 2003, http://www.cpj.org/news/2003/Russia11apr03na.html, (Accessed April 2005). The CJES legal analysis is only available in Russian.

praise certain candidates and denigrate others."[117] While that purpose is supportive of a more fair and free democratic process, the law also prohibits the inclusion of "electoral propaganda"[118] in any article. However the law does not provide any further description, leaving the interpretation up to the media outlets, and the courts that would decide on whether or not a violation had occurred. The law is also supposed to help prevent outright bribery of journalists by politicians; however the law attacks the journalists not the politicians. The Committee to Protect Journalists sees this as a problem as the law "will only promote self-censorship and deny citizens access to basic information and opinions about the elections."[119]

Although the law was proposed by the Central Election Commission, some believe that the law wouldn't change anything. The Committee to Protect Journalists argues that the agencies that would enforce the law have always selected how they would enforce laws. The law would give both the Central Election Commission and the various regional election commissions' power to close media outlets that violated the law. However, the regional commissions had often been "lenient on media coverage that favors incumbents and harsh on coverage of their opponents. And the CEC often enforces the rules more stringently on independent media than it does on state-run media."[120]

The vagueness of the law is one of the reasons that the law was ruled unconstitutional. The Russian Constitutional Court overturned the law saying that it was unconstitutional "because [it] allowed for a broad interpretation 'of electioneering and thus do not exclude arbitrary application.'"[121] Four different groups had filed individual complaints with the Constitutional Court requesting that the court evaluate the bill. The

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[117] Reporters Sans Frontières, "Government closes last independent TV station while parliament restricts election coverage," June 24, 2003, http://www.rsf.org/article.php3?id_article=7316 (Accessed May 2005).

[118] Ibid.

[119] Committee to Protect Journalists, "Parliament Passes restrictive Legal Amendments," June 20, 2003, http://www.cpj.org/news/2003/Russia20jun03na.html. (Accessed June 2005).

[120] Committee to Protect Journalists, "Constitutional Court to Examine Restrictive Media and Election Laws," September 26, 2003, http://www.cpj.org/news/2003/Russia26sept03na.html, (Accessed June 2005).

[121] BBC News, "Russian Court Rejects Media Law," October 30, 2003, http://news.bbc.co.uk/1/hi/world/europe/3227701.stm, (Accessed May 2005).

groups included journalists and politicians.[122] The decision to overturn the law was met with support by the Russian press. The secretary of the Russian journalist union said "this is a huge victory for common sense. I am delighted with its precision and resolve."[123]

Even though the law was overturned, Sergei Mironov, the Chairman of Russia's Federation Council, said that "as a result of this law, the mass media has been forced to be silent about the election campaign."[124] A media organization that faces the threat of closure for reporting on the news and the individual candidate's platforms will likely resort to self censorship in order to maintain its existence. Journalists had gotten into the habit of not questioning candidates or policies, even after the law was overturned media outlets had already established how they would cover the elections, and it would not be critically.

[122] Committee to Protect Journalists, "Constitutional Court Abolishes Part of Restrictive Election Law," October 30, 2003, http://www.cpj.org/news/2003/Russia30oct03na.html. (Accessed June 2005).

[123] BBC News, "Russian Court Rejects Media Law."

[124] Freedom House, *Freedom in the World 2004*, Russia, http//www.freedomhouse.org/research/freeworld.2004/countryratings/Russia/htm, (Accessed May 2005).

IV. POLITICAL INTERFERENCE WITH THE MEDIA

> At the moment in Russia, everything is decided for the media by the authorities, who, it would seem, are not against journalists adopting new forms of self-regulation. NTV Mir discussion program, October 2002.[125]

This chapter will examine the actual practice of the state regarding freedom of the media. It provides the factual background against which to judge whether media freedoms that been either legally guaranteed or legally circumscribed are actually enforced and whether such enforcement follows legal procedures or extralegal measures. Both Putin and Yeltsin are responsible for interfering in the actions of the media. The media coverage of each election cycle since 1995 has been influenced by the president in power. The application of the laws passed under Vladimir Putin has influenced the coverage of national disasters. When the Kursk submarine sank in 2000, the media was very outspoken about both the information provided, and the information that the government withheld. Even after the crisis ended, the media continued to question the government's decisions. When 700 people were taken hostage in a Moscow theater in 2002, the government provided less information and the media was not as outspoken as in 2000. The media did not really question why over 100 hostages died during the rescue attempt, or why the government withheld information that could have helped treat hostages that were injured during the rescue. By 2004, when about 1500 people were taken hostages in a school in Beslan, the state had assumed great control over the media. Reporters were prevented from reaching the area of the crisis, and incorrect information was provided to the reporters that did make it to the town of Beslan; after the crisis ended there was very little media opposition to the way that the crisis was handled. A senior editor "resigned" from his position after approving a full color spread of pictures from the site of the crisis.[126]

The first war in Chechnya was widely covered by the Russian press. Media outlets covered both sides of the war, and traveled freely throughout the region. Access

[125] BBC Monitoring, "Analysis: Russian media reflect on coverage of hostage crisis," October 30, 2002, Johnson's Russia List #6523, http://www.cdi.org. (Accessed May 2005).

[126] Robert Coalson, "A War on Terrorists or a War on Journalists?" RFE/RL Media Matters, September 13, 2004, http://www.rferl.org/reports/aspfiles/printonly.asp?po=y, (Accessed May 2005).

to cover the second war in Chechnya has been denied to almost every journalist in the world. Journalists face strict access requirements to even enter the region, and many that have been able to get footage of the forces involved in the conflict have had their tapes confiscated. Journalists that enter the region without approval face detention and beatings by the Russian military. The Russian government has not issued truthful statements about the casualties that have occurred or the true status of the fighting.

In addition to the more restrictive laws that have already been discussed, individual media outlets have been targeted and closed. These include the television stations NTV, TV6 and ORT. While these outlets have been closed with "legitimate" reasons, such as owed back taxes, the owners of these media outlets were often critical of Vladimir Putin. Furthermore, individual journalists have been targeted for their reporting. The Committee to Protect Journalists (CPJ) has expressed concern for the treatment of journalists in Russia; it reports that over the last ten years Russia has become one of the most dangerous countries for journalists to work in. Since Putin has entered office, eleven journalists have been killed in contract style killings, and none of the cases have been solved.[127] Reporters Without Borders and the International Press Institute have also expressed concern over the lack of freedom that journalists in Russia have.

A. MEDIA INFLUENCE IN THE 1995-1996 ELECTION CYCLE

During the 1995-1996 election cycle, Boris Yeltsin used the media to ensure his re-election. He was able to capitalize on his close relationship with the owners of various media outlets to ensure their support for his campaign. This was the first time that Russian politicians fully realized the power of the media. Although the media had been instrumental in the initial success of democracy, this election cycle showcased the first true manipulation of the Russian press by Russian politicians.

Sarah Oates and Laura Roselle conducted an analysis of Russia television coverage of the 1995 Duma and 1996 Presidential elections. They found that while ORT, a state owned channel, had "a bias toward pro-government and pro-reform parties, [but]

[127] Russia: Eleven Murders, No Justice, 2005, http://www.cpj.org/Briefings/2005/russia_murders/russia_murders.html, (Accessed May 2005).

there was a fairly general coverage of the elections as well."[128] They also found that NTV, a private channel, "showed less bias and more balanced coverage of parties in relation to their popularity—yet this was very little coverage indeed. Rather NTV focused on the war in Chechnya and the elections there."[129] The authors also note that although it was distressing that a private station (NTV) would back the incumbent, however this was unsurprising given the choice of candidates. The choice was between "a president who had supported relative freedom for the media and a Communist contender who was openly hostile to a free press…. It was contended by many in Russia that the media needed to support Yeltsin to protect their very right to survive."[130] Victor Toporov, a St. Petersburg journalist, was also very critical of the media during the election. He said that the media "supposedly the expression and guarantee of the interests of society, acted in a fundamentally different manner during the election campaign, ensuring that the powers of the present head of state would be prolonged." [131]There was a marked shift in the nature of electoral coverage from the parliamentary elections in 1995 to the presidential elections in 1996.[132]

American campaign experts were used to ensure that Yeltsin was re-elected in 1996. They were able to share their experience in the use of media to manipulate public opinion.[133] Opponent parties were discredited, for example public opinion associated the Communist party with civil war, long lines and food shortages. Therefore ads were used that showed that if the Communist party won, there would be disorder and chaos.[134] While these ideas are not new in American politics, they were groundbreaking ideas in Russia.

In addition to importing American experts, powerful Russian businessman used their media outlets to help the re-election cause. It is argued that Boris Berezovsky

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[128] Sarah Oates and Laura Roselle, "Russian Elections and TV News: Comparison of Campaign News on State-Controlled and Commercial Television Channels," *The Harvard International Journal of Press/Politics* Vol. 5, No 2 2000, 46.

[129] Ibid.

[130] Ibid., 46-47.

[131] Zassoursky, 77.

[132] Oates and Roselle, Ibid., 31.

[133] Zassoursky, 72-74.

[134] Ibid., 75.

bought some of his media outlets in 1995 in preparation for the presidential campaign of 1996.[135] While that may have influenced his decision, the true power of the media was not really discovered until Yeltsin was re-elected, Therefore while Berezovsky may have bought his outlets with the campaign in mind, nobody knew how important the media would be until the campaign was over.

One overall feeling about the election is that although Yeltsin called himself a democrat, "he appeared to have little patience for the uncertain outcomes that accompany genuinely democratic elections."[136] The opposing view is that nobody understood how the media could be used to manipulate public opinion until it was actually done. I believe that the reality is somewhere in the middle. Yeltsin wanted to stay in power, and would use the tools at his disposal to do so; however I do not believe that he was totally willing to disregard the democratic process. At the same time, there had to be some knowledge about how the media could be used to manipulate public opinion during elections.

B. MEDIA INFLUENCE IN THE 1999-2000 ELECTION CYCLE

During the 1999-2000 election cycle, Vladimir Putin was also able to use the media to help guarantee his victory. He had a number of advantages entering the election, and Kremlin influence on the media was one. He had gained the office due to Boris Yeltsin's surprise resignation, and was able to not only run as the incumbent, but to move the elections up from June to March under Russian election law. This gave his adversaries less time to plan their campaign, and he was able to take advantage of his influence over the media as the incumbent.

The Duma elections held in December of 1999 had 28 parties compete for seats, with six different parties reaching the five percent minimum to enter parliament. The Communist party had the highest percentage of votes, with Unity in second; the other qualifying parties were Fatherland-All Russia, Union of Right Forces, Zhirinovsky block, and Yabloko.[137] While there were some problems with the elections, they were considered generally free and fair. The largest problems were with the use of the media,

[135] Zassoursky, 51.

[136] Laura Belin, "The Kremlin Strikes Back: The Reassertion of State Power over the Russian Media," in Price, Richter and Yu, 274.

[137] Freedom House, *Freedom in the World 1999-2000*, Russia, http://www.freedomhouse.org/research/freeworld/2000/countryratings/Russia.htmhttp://www.freedomhouse.org/research/freeworld/2000/countryratings/Russia.htm, (Accessed May 2005).

and the negative campaigning that occurred. The media was used to attack candidates directly, not the ideas and platforms of each candidate.[138] Despite these problems, the Duma elections occurred within international standards. The OSCE Office for Democratic Institutions and Human Rights observed the elections and said that the elections "marked significant progress in consolidating representative democracy in the Russian Federation. They reflected a political environment in which voters had a broad spectrum of political forces from which to choose. A solid turnout demonstrated a respectable level of public confidence in the process."[139]

The 1999 Duma election was important as it became a battle between Yeltsin and the pro government Unity bloc against his former Prime Minister Primakov who aligned himself with Moscow mayor and long time Yeltsin opponent Yurii Luzhkov running the Fatherland-All Russia party. Both sides were trying to win majority in the Duma in order to set the ground for the 2000 Presidential election. As a result, "the 1999 elections turned into a veritable brawl in which the various sides swapped media blows, and in which the Kremlin's control of state television acted as the decisive instrument for crushing the Primakov-Luzhkov bloc."[140] Independent media outlets run by Boris Berezovsky became an important part of this battle. Vladimir Gusinsky was also pursued by the Kremlin, but he sided with Primakov and Luzhkov. The bigger hurdle that Yeltsin faced was that starting in September 1998 Primakov had been a public favorite to be elected president.[141] Yeltsin and his party used the media to ensure that Primakov's popularity was eliminated. The strategy that Yeltsin and his party used required more than just free advertising. Almost the entire campaign was run on the television, all types of programming was used, including the news. Laura Belin summarizes how the media was used.

> Particularly damaging allegations appeared in so-called "analytical programs" on ORT and RTR, whose hosts came to be known as

[138] Freedom House, *Freedom in the World 1999-2000*, Russia, Political Rights and Civil Liberties, http://www.freedomhouse.org/research/freeworld/2000/countryratings/russia2.htm, (Accessed May 2005).

[139] OSCE Office for Democratic Institutions and Human Rights, Russian Federation Elections to the State Duma, 19 December 1999, Final Report, February 13, 2000, http://www.osce.org/documents/odhir/2000/02/1454_en.pdf, 2, (Accessed May 2005).

[140] Zassoursky, 32.

[141] Laura Belin, "The Kremlin Strikes Back: The Reassertion of State Power over the Russian Media," in *Russian Media Law and Policy in the Yeltsin Decade*, 277.

> information killers." Ordinary newscasts and special programs also routinely cast Fatherland-All Russia leaders in an unfavorable light. For instance, during the final week of the campaign RTR broadcast programs four evenings in a row alleging that Moscow city authorities "closed[d] their eyes" to widespread criminal activities in the capital. Primakov and Luzhkov were rarely given any opportunity, let alone equal time, to respond to such charges on the air. Publications linked financially to Berezovsky also attacked Primakov, Luzhkov, and other prominent figures in the opposition bloc. While some charges against Fatherland-All Russia were grounded in fact or at least contained a grain of truth, others were based on empty speculation or outright fabrication.[142]

This indicates not only how far Yeltsin was willing to go to win, but how much the media could be manipulated as needed. While another media mogul, Gusinsky, was sided with Primakov and Luzhkov it was not enough to overcome the combination of state media and Berezovsky's media outlets, and as the election results show, Yeltsin's plan worked.

Shortly following the successful Duma elections, on December 31, 1999 President Yeltsin resigned his position and under Russian law, his Prime Minister, Vladimir Putin, took over as President until elections could be held. Under Russian law, presidential elections would be moved up almost 3 months, from June to March, as elections had to occur with in three months of a reigning president resigning his position.[143] Although Putin and his campaign staff signed paperwork saying that they would follow election laws, and some of his staff members took a leave of absence in order to help with the campaign process, OSCE observers say that it is hard to imagine that Putin did not have a large advantage given the resources he had at his disposal.[144] During the actual election, OSCE observers noted a number of minor violations of election law. These included group voting and proxy voting. The same observers found that the counting process was less compliant with election law. One large flaw that the OSCE observers noted was the way that ballots were distributed. The ballots were printed and distributed without an accountability system, making it very easy for them to be copied and used for other

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[142] Laura Belin, "The Kremlin Strikes Back: The Reassertion of State Power over the Russian Media," in *Russian Media Law and Policy in the Yeltsin Decade*, 279.

[143] OSCE Office for Democratic Institutions and Human Rights, Russian Federation Presidential Election 26 March 2000, Final Report, May 19, 2000, http://www.osce.org/documents/odhir/2000/05/1449_en.pdf, 2 (Accessed May 2005).

[144] Ibid., 22.

means than official voting.[145] Putin won the election with 52.94% of the vote; however the Communist Party filed a protest with specific complaints that included ballot box stuffing and falsification of the results for Putin. The complaints were not proven to be false or true, and Putin was declared winner of the election.[146]

Putin was inaugurated on 7 May 2000. At his inauguration, Yeltsin said "today is the first time in a century that we have a legal transfer of power from one head of state to another…such a thing is possible only in a free country."[147] Putin responded in kind by saying "really for the first time in Russia's history, power is being transferred in the most democratic and peaceful way, by the will of the people, legally and peacefully… this is not the first test, and will not be the last…we have proved that Russia is becoming a modern democratic state."[148] While the process of Putin's election to president may have short circuited the democratic process, and the election itself had some technical problems, it is likely that he would have won the election anyway. *The Moscow Times* conducted an in depth evaluation of the election process and conceded that although Putin may not have legally won the first round of the elections, had it gone to a second round he would have won.[149]

C. MEDIA INFLUENCE IN THE 2003-2004 ELECTION CYCLE

As a result of the later overturned law on media action during elections, and other forms of government control, the media played a large role in the success of Putin's United Russia party. The OSCE monitored the Russian media in the period leading up to the election. They monitored five television stations and seven newspapers, and found

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[145] OSCE Office for Democratic Institutions and Human Rights, Russian Federation Presidential Election 26 March 2000, Final Report, 27-29.

[146] Ibid., 31-32.

[147] Boris Yeltsin, "Speech at Vladimir Putin's Inauguration," May 7, 2000, http://www.kremlin.ru/eng/articles/inaugur_2000.shtml, (Accessed May 2005).

[148] Vladimir Putin, "Inauguration Speech," May 7, 2000, http://www.kremlin.ru/eng/articles/inaugur_2000.shtml, (Accessed May 2005).

[149] Russian election law requires that a candidate receives greater than 50% of the vote to win the election, with at least 50% voter turnout. If a candidate does not cross that threshold, a second round of elections will occur with the top two vote receivers running off against each other. Freedom House, *Freedom in the World 2000-2001*, Russia, http://www.freedomhouse.org/research/freeworld2001/countryratings/russia.htm, 3-4. (Accessed May 2005).

that the coverage was largely biased for President Putin and his United Russia party. The state owned television stations gave free air time to all candidates, but did so by airing debates among candidates, usually excluding the United Russian candidate. The United Russian candidates had chosen not to participate in the debates. United Russian party leader Boris Gryzlov had been quoted as saying "there was not point in taking part [in the debates] as it would be the equivalent of a Manchester United or a Tampa Bay Buccaneers taking on the local pub team."[150] While this did give air time to all candidates, it did not give a good representation of all the candidates at the same time. The observers found that the state stations did give air time to multiple parties, but the United Russia coverage was generally positive, and the coverage of CPRF was overwhelmingly negative. So while both parties were getting air time, the support was firmly behind United Russia. The observers found that private stations also biased their coverage but the bias was towards other parties. The same results were found in the print media, state owned papers gave the required free space, but their coverage of the campaign was overwhelmingly positive for United Russia and negative against all other parties. Private papers were found to be biased in their coverage as well, with different parties receiving the positive coverage. The OSCE does point out that *Kommersant* provided a surprisingly balanced coverage of the campaign.[151]

As with the 2003 Duma elections, the media proved to be a useful tool for Putin to ensure his re-election in 2004. Television continues to be the main source of news for the average Russian citizen, with the two state owned stations dominating the air. The OSCE reports that "administrative restrictions and obstructions have been used to eliminate the most significant and influential media outlets that attempted to offer an editorial line independent of or critical of the presidency or government."[152] While the state controlled television channels did provide free air time to all candidates for ads and debates, President Putin declined the free air time, and declined to participate in the debates. As during the campaign for the Duma elections, the state-controlled stations

[150] Kyrill Dissanayake and Mike Rose, "Media Fails to Stir Debate," BBC News, December 5, 2003, http://news.bbc.co.uk/1/hi/world/europe/3294263.stm, (Accessed May 2005).

[151] OSCE Office for Democratic Institutions and Human Rights, Russian Federation Elections to the State Duma, 7 December 2003, OSCE/ODIRH Election Observer Mission Report, January 27, 2004, http://www.osce.org/documents/odhir/2004/01/1947_en.pdf, 15-17. (Accessed May 2005).

[152] Ibid., 14.

provided free advertising for Putin, by broadcasting reports heavily biased in his favor. One of the results of this was that Putin did not face any questions about his policies or ideas. He did not participate in the debates, so the other candidates could not question him, and the newscasts and reports were biased in his favor, so the reporters did not ask him any tough questions about his platform. As with the Duma elections though the private television stations also ran somewhat biased coverage, they supported different candidates. The print media were also heavily biased either for or against Putin; again *Kommersant* was the only publication that was noted as providing somewhat balanced coverage of the election.[153]

D. INFLUENCE IN THE COVERAGE OF CHECHNYA

While the media has faced increasing pressure over the last five years while covering specific events of national interest, such as terror attacks, the same journalists have faced increasing control over their coverage of the crisis in Chechnya for a longer time. The conflict in Chechnya began with the end of the Soviet Union. When the Soviet Union collapsed, Chechnya declared independence, but could not get Russia to agree to it, or to get recognition by any other state. In 1994, Russian troops were ordered into the region and ousted the government, replacing it with Moscow chosen leaders. In August 1996 a peace agreement was reached, and by December 1996 all Russian troops had been withdrawn. A more formal peace accord was signed in May of 1997 by the presidents of Russia and Chechnya, although it did not last very long. In the late summer of 1999 the region fell into unrest again, and Russian troops were once again sent into the region. Although major combat operations are claimed to have ended in 2002, the fighting continues until today. During the second war in Chechnya, Chechen fighters have taken Russian citizens hostage in a theater in Moscow in 2002 and at a school in Beslan in 2004, and have been accused of a number of bomb attacks in Moscow and elsewhere. In turn, the Russian soldiers have been accused of committing war atrocities in Chechnya. These include the kidnapping of citizens, murder, rape, and pillaging. Both wars were marked with charges of human rights violations, each side naming the other as the biggest violator. The loss of life has been staggering with as many as 40,000

[153] OSCE Office for Democratic Institutions and Human Rights, Russian Federation Elections to the State Duma, 7 December 2003, OSCE/ODIRH Election Observer Mission Report, 15-17.

people killed and 200,000 displaced during the first war alone, and the impact on future generations cannot yet be measured.[154]

Prior to the first war in Chechnya, the media had worked with the president and the government. However, once the war was started, the media was faced with a decision to make:

> The choice before it was either to recognize the supreme authority of the president, verging on dictatorship—and by so doing, to accept that this dictatorship had been established through the efforts of the 'democratic' press and television—or to show the authorities who was boss, that is, to prove that as before the 'democratic' press had a real influence on the policies of the regime and that the dictatorship had turned out at least to be enlightened.[155]

The media chose the latter and began an attack on the war, and provided information to the public that the government was not willing to release:

> The official sources were silent on the heavy losses suffered by the Russian army and the Interior Ministry forces in military engagements with Chechen armed formations. The mass media used their right of free expression to the fullest. They were the first to start discussing what was being concealed from the population. Television and radio reports, as well as many newspaper articles, told the truth about fierce battles and about the death of poorly trained soldiers, who had been drafted into the army only shortly before.[156]

The media was willing to look for the truth about what was going on in Chechnya. The media found that the war was not going well, and relayed that information to the Russian people. It has been argued that as a result of the media coverage, "the first war came to an end because its brutality and futility were revealed to the Russian public by vigorous print and television media."[157]

The government attempted to control press coverage of the first war. A temporary information center was set up in order to control news stories. The center did

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[154] Information from various sources: Matthew Evangelista, *The Chechen Wars: Will Russia Go the way of the Soviet Union?* Washington D.C.: Brookings Institution Press, 2002; Anna Politkovskaya, *A Dirty War: A Russian Reporter in Chechnya*, London: The Harvill Press, 1999; "Chechnya" BBC News Country Profile, http://news.bbc.co.uk/1/hi/world/Europe/country_profiles/2565049.stm, (Accessed May 2005).

[155] Zassoursky, *Media and Power in Post-Soviet Russia*, 58.

[156] Ibid., 59.

[157] Evangelista, 198.

release information, but it was not timely or accurate. Journalists would simply travel the countryside and report on what they wanted. In addition to the false and inaccurate information released by the Russian side, the Chechen side conducted a better media operation. While the Russian side was hesitant to make public statements, the Chechen spokesman made himself accessible to journalists and had permission to speak for the Chechen leadership.[158]

The second war in Chechnya has had a significantly different impact on the Russian press and the news that the Russian people are receiving about the war. "Under Putin a deliberate policy of restriction and intimidation of journalists seeking to report on Chechnya, and a stifling of independent television have limited the Russian public's access to information about the war."[159]

In January 2000, Putin created an aide position that had the responsibility of "coordination of the informational-analytical work of federal executive bodies taking part in counter-terrorist operations in the North Caucasus region of the Russian Federation, and cooperation with mass media."[160] Shortly after appointing Sergei Yastrzhembsky to the position, Yastrzhembsky issued rules for the accreditation of journalists who wanted to work in Chechnya. The rules allow journalists to cover events in the region if "they 'are included in the group formed by the Apparatus in agreement with the heads of Russia's power structures and the United Military Group in the North Caucasus.'"[161] In addition, the rules allow a journalist to film (video or still) in "the battle zone or at the locations of military formations or garrisons only 'under the protection and control of representatives of the power (military) structures of the Russian Federation."[162] The most limiting aspect of the new rules is the fact that accredited journalists are prohibited from "independently traveling in Chechnya."[163] Since the government gets to decide who

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158 Laura Belin, "Russian Media Policy in the First and Second Chechen Campaigns," Paper given at the 52nd conference of the Political Studies Association, April 5-8, 2002, 6-8.

159 Evangelista, 198.

160 Moscow Mass Media Law and Policy Center, "Commentary: Do Journalists have the right to work in Chechnya without accreditation?" March 2000, http://www.medialaw.ru/e_pages/research/commentary6.htm, (Accessed May 2005).

161 Ibid.

162 Ibid

163 Ibid.

is accredited, they can limit which journalists get access, and therefore how the war is reported.

In addition to legal means of restricting access, the threats of kidnapping, or death was enough to discourage some reporters from working in Chechnya. A large number of journalists were killed or kidnapped during the first war in Chechnya. Matthew Evangelista believes that "as a result, the second war saw fewer journalists taking risks to report on activities that cast Russian policy in a negative light, and those who did often suffered the consequences."[164]

As a result of legally restricting access to the region, and threatening reporters that do reach the area, "media criticism of the conduct of the second Russian war in Chechnya has been more the exception than the rule."[165] The government has been able to limit coverage of a war, to the point that most Russian citizens are unaware of the status of the fighting.

There are a number of journalists that continue to report from Chechnya and about the conflict without regard to their own safety. Anna Politkovskaya has been harassed, arrested, and threatened yet continues to report on the war. In October 2001, she fled Russia after receiving repeated threats. In an interview with Emma Gray, Politkovskaya talked about her most recent experience and the general media coverage of the war. She said that she was threatened for her coverage, and told that she would be killed if she returned to Chechnya. Despite the threats, she returned to the region and continued to report. One article that she wrote uncovered the fact that a helicopter crash attributed to Chechen rebels could not have been caused by them. While the Ministry of Defense acknowledged that she was correct, they also said that they could not allow the article to be published. She was continually threatened upon her return to Moscow, and told that the security guards that she had could not protect her. At her editors urging, she left Russia for Vienna, where she had received a grant to write a book. When asked about how the Russian media is covering the war Politkovskaya said that most of the Russian media is covering the second war from Moscow or Russian military bases in Chechnya, visits controlled by the Russian military. Although she claims that some

164 Evangelista, 161.

165 Ibid., 163.

journalists have complained about how they are forced to cover the war, most have not done anything because it is considered patriotic.[166]

Politkovskaya said that part of the problem is that many of the current journalists in Russia were trained in the Soviet Union and they began to work when journalism was a form of propaganda. She said that some journalists were eager to return to propaganda because it is easier. "It's far less work. You just sit in Moscow, don't go out looking for information… You live the sweet Moscow life and even get thanks for it—awards from President Putin for fine coverage of the war."[167]

The government had made some attempts to control the press during the first war, and had improved their efforts by the second war. As a result, there has been less and less coverage of the conflict from the region itself. The journalists that have reported from the region have tended to report only what the state allows. Those that refuse to report the party line have been prosecuted and threatened. It is easier for journalists to report what the government tells them to. They do not have to travel to Chechnya and risk kidnapping, torture or death to tell a story that may or may not be published by the Russian media. Although part of the problem is the training that the older journalists received, it is also a result of the state control over the media.

E. INFLUENCE IN THE COVERAGE OF THE KURSK INCIDENT

When the Kursk submarine sunk in August of 2000, the Russian media had been supportive of Putin, and had generally supported his ideas. However, when the submarine disaster occurred, the media became more outspoken and pushed for answers when the government was less than honest about what was occurring. On 12 August 2000, the Russian Northern Fleet Command lost contact with the Oscar class submarine Kursk. The submarine was taking part in an exercise in the Barents Sea. Earlier that morning a Norwegian seismological institute had reported hearing two explosions in the Barents Sea.[168] Over the next nine days, the Russian government issued a number of

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[166] Emma Gray, "See No Evil: An Interview with Anna Politkovskaya," Committee to Protect Journalists, November 13, 2001, http://www.cpj.org/news/2001/Russia13nov01na.html. (Accessed May 2005).

[167] Ibid.

[168] BBC News, "The Kursk Disaster: Day by Day," August 24, 2000, http://news.bbc.co.uk/1/hi/world/Europe/894638.stm, (Accessed May 2005), and "Timeline," http://www.murman.ru./kurskmem/timee.htm, (Accessed May 2005).

statements later proven to be false. "Day after day, naval and government officials told the public a different yarn about the sinking of the Kursk, and virtually none of these stories turned out to be true."[169] The Russian media was quick to report the discrepancies between the reports and the truth, and also harshly criticized Putin, who had been vacationing at the time of the accident, and continued to vacation during the first days of the crisis. The media also criticized the government for not asking for help from foreign governments, help that may have saved the lives of at least some of the crew members of the Kursk.

Some of the official lies were easily caught. At one point during the rescue operation, the government issued a news broadcast that a British mini submarine had begun its descent to the Kursk, when at the time of the broadcast a reporter from RTR pointed at the same mini-submarine still sitting on the deck of the rescue ship that had brought it to the accident sight.[170] Another official lie was in regards to the rescue operation. In an article written twelve days after the Kursk sunk, The Moscow Times.com outlined what the official story was about the fate of the crew:

> Last week, officials largely tried to paint a rosy picture, insisting that all aboard the Kursk were alive and that rescuers would soon bring them all to safety. This week, official accounts changed dramatically: Now officials imply that all or almost all on board the Kursk were killed instantly, that the Kremlin knew the crew was dead, that the rescue operation was actually a sham and that the authorities did nothing wrong when they delayed deployment of foreign rescuers for several days, since it was too late to save anyone anyhow. The authorities also insist that the detonation of the torpedoes was in fact caused by a collision with some mysterious foreign submarine.[171]

The government also issued a number of lies at the beginning of the crisis:

> After misleading the public about the time of the accident, naval 'sources' began to tell other yarns: That the vessel did not sink but 'descended to the ocean floor,' that 'contact with the crew was established,' that 'air and

[169] Pavel Felgenhauer, "Officials Inept at Fudging," 24 August, 2000, The Moscow Times.com, http://web.themoscowtimes.com/stories/2000/08/24/009.html, (Accessed May 2005).

[170] Douglas Herbert, "Kursk Tragedy Gives Russian Media New Backbone," CNN.com, August 21, 2000, http://archives.cnn.com/2000/WORLD/europe/08/21/russia.press/, (Accessed May 2005).

[171] Pavel Felgenhauer, "Officials Inept at Fudging." After investigation, it was determined that the Kursk sunk due to an explosion of onboard torpedo fuel. Stephen Eke, "Russia Learns Lessons of Kursk Disaster," BBC News, 30 August 2003, http://news.bbc.co.uk/1/hi/world/europe/3194257.stm, (Accessed May 2005).

> power are being pumped from the surface into the ship,' that 'everyone on board is alive,' that 'the vessel's two nuclear reactors have been shut down' and so on. Actually, none of the above was fully true, and the authorities were either guessing or deliberately misinforming the public.[172]

Individual media outlets continued to question the government's actions throughout the crisis, and provided fairly harsh critiques of the actions and statements of government and military officials. *Komsomolskaya Pravda* highlighted Putin's apparent lack of interest in the crisis, by publishing a list of things that Putin did during the first five days of the crisis, "including naming ambassadors to Chile and Jamaica and sending birthday wishes to an actress."[173] The same paper also issued a list of 28 questions it wanted answered about the crisis. Although initially critical of Putin's actions, they were more toned down later in the crisis and said that "accusing Putin of sophisticated cynicism, presenting him as a cold-blooded and heartless monster, making him appear the main culprit in the tragedy-all this is going too far."[174] A number of other newspapers continued to harshly criticize both the government and the president. *Nezavisimaya Gazeta* said that "the president turned out to be incapable of compassion with the grieving of other people-otherwise he would never have carried on with his holiday."[175] *Izvestia* also criticized the president and his decision to meet with the lost crew's family members, "'[t]he second part of a propaganda campaign codenamed '[h]ow to put a spin on the Kursk tragedy and its political repercussions' is being played out before our eyes.'"[176] *Trud* was critical of the rescue efforts asking "'could we have rescued at least some of the crew, or was the fatal outcome predetermined?'"[177] *Rossiyskaya Gazeta* was also critical of the lack of rescue efforts asking "'[i]n what other country will anyone go to sea in full knowledge that there will be no rescue in the event of an accident?'"[178]

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[172] Pavel Felgenhauer, "Cover-Up in Sub Tragedy," The Moscow Times.com, 17 August 2000, http://web.themoscowtimes.com/stories/2000/08/17/009.html, (Accessed May 2005).

[173] Douglas Herbert, "Submarine Drama: A no-win Proposition for Putin?" CNN.com, August 21, 2000, http://archives.cnn.com/2000/WORLD/europe/08/17/putin.kurskeffect/, (Accessed May 2005).

[174] BBC News, "Somber Media Continues to Question," August 23, 2000, http://news.bbc.co.uk/1/hi/world/monitoring/media_reports/892738.stm, (Accessed May 2005).

[175] Ibid.

[176] Ibid.

[177] Ibid.

[178] Ibid.

The truth was eventually going to come out, as the sinking of a nuclear submarine and the loss of 118 Russian sailors was a story that received world wide coverage. In addition the Russian people were demanding answers, especially when the initial story was that the crew was alive and could have been saved. When Russian officials finally discussed their handling of the Kursk accident it was claimed by Deputy Prime Minister Ilya Klebanov that "officials did not conduct a deliberate campaign of misinformation after the Kursk submarine disaster, but rather made statements 'without enough analysis.'"[179]

The government withheld information and released untrue statements throughout the crisis and its aftermath. The media was very critical of the government and questioned many decisions that were made, including why the offer of assistance from foreign navies was declined. While the media was very active in investigating the story, and questioning the government's action Masha Gessen, editor of an independent weekly newspaper, expressed concern over the way that the media covered the events, worrying that the harsh criticism of the government will have a negative impact. "I'm afraid that it will result in even less access for journalists."[180]

F. INFLUENCE IN THE COVERAGE OF THE MOSCOW THEATER HOSTAGE CRISIS

On the night of October 23, 2002, armed Chechen rebels stormed a theater in Moscow that was showing the musical Nord-Ost. There were forty to fifty hostage takers and around 600 hostages. The hostage takers let about one hundred women and children go during the crisis.[181] The crisis was ended on October 26, 2002 when Russian Special Forces troops stormed the theater following the release of a gas that immobilized all, and killed some, of the people in the theater.[182] Initially the government said that 67 hostages were killed, but over 750 were rescued, but 117 hostages ended up dying as a result of the

[179] The Moscow Times.com "Kremlin's Handling of Kursk Crisis Defended," 16 September 2000, http://web.themoscowtimes.com/stories/2000/09/16/011.html, (Accessed May 2005).

[180] Douglas Herbert, "Kursk Tragedy Gives Russian Media New Backbone," CNN.com, August 21, 2000, http://archives.cnn.com/2000/WORLD/europe/08/21/russia.press/, (Accessed May 2005).

[181] Jim Heintz, "Gunmen Take Moscow Audience Hostage," *Associated Press*, October 23, 2002, Johnson's Russia List #6509, http://www.cdi.org and Eric Engelman, "Armed Chechens Hold Hundreds of People Hostage in Moscow Theater," *Associated Press*, October 24, 2002, Johnson's Russia List #6510, http://www.cdi.org. (Both accessed May 2005).

[182] Elizabeth Piper, "Raid ends Moscow Theater Siege, 67 hostages die," Reuters, October 26, 2002, Johnson's Russia List #6513, http://www.cdi.org, (Accessed May 2005).

rescue attempt. Of the 117 hostage deaths, 115 were due to the gas that was used during the rescue raid.[183] It took the Russian government a number of days to release information about what type of gas was used. The government claimed that this was due to security concerns, but it also severely limited the ability of the medical responders to treat hostages that were injured by the gas.[184]

In the days after the crisis, some journalists asked questions and provided guesses as to what type of gas was used, and what could have been done to prevent hostage deaths. In one article, the authors summarized guesses from a chemist, and anesthesiologist, a toxicologist and medical personnel about what type of gas was used. The authors also discussed what the Ministry of Health had released about the gas. While the first sources had specific guesses as to why so many hostages died, the Ministry of Health had a different perspective. The ministry claimed that all the hostages that died did so because of a lack of medicine they needed, not because of the gas that was used. While not willing to admit that the gas was a problem, the ministry did say that they were waiting for an official cause of death of the hostages.[185]

The crisis occurred in Moscow, yet the reporting was tentative and did not question a lot of the decisions that were made. Even after the crisis ended, with the death of over one hundred hostages, the media was more reserved than it had been during the KURSK crisis.

After the crisis ended at least one media outlet expressed a willingness to introduce self-censorship during crisis events. The general director of ORT television said:

> We made up our minds to introduce very strict self-censorship. The only thing that motivated our actions was the conviction that not a single report

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[183] Piper and Sebastian Alison, "Putin Pledges Tough Line, Gas Still a Mystery," Reuters, October 28, 2002, Johnson's Russia List #6518, http://www.cdi.org, (Accessed May 2005).

[184] Irina Titova, "Two More Moscow Hostages Die," *Associated Press*, October 30, 2002, Johnson's Russia List # 6522, http://www.cdi.org, (Accessed April 2005).

[185] Yevgeniy Bovkun, Viktor Vyasnikov and Aleksandr Filippov, "Anesthetic or Combat Toxic Substance?" Vremya MN, October 29, 2002, Johnson's Russia List #6526, http://www.cdi.org, (Accessed April 2005).

> made by us should do any harm to the hostages and that all our action should contribute to their release as soon as possible.[186]

The Russian government took an even stronger stance as the General Secretary of the Russian Journalists Council said "A war and freedom of speech are two incompatible things." The article also says that the Russian media is finally adopting the "'do no harm' principle motivating most media elsewhere in the world."[187]

While the Russian media may adopt a policy to not bring harm to the Russian people, there is a way to do that without withholding information. It appears that the Russian media has begun to bend to the wishes of the government. The media was less willing to pursue the truth, even though it may have led to saving lives.

G. INFLUENCE IN THE COVERAGE OF THE BESLAN HOSTAGE CRISIS

The Beslan hostage crisis provided the government an opportunity to control access to a hostage situation. The Moscow crisis occurred in the middle of the capital city, giving the media easy access to the site. The Beslan hostage crisis occurred in a small isolated town, requiring the media outlets to travel to reach the site. On September 1, 2004 terrorists took control of School number 1 in Beslan, North Ossetia. About 1300 students, teachers and parents were taken hostage. The crisis ended three days later when Russian Special Forces troops stormed the school. About 300 people were killed during the crisis.[188] During the course of the crisis, the information available to the public was often far from the truth, initially the government reports indicated that 354 people were held hostage, when in reality the number was almost a thousand greater than that. There were at least four different instances where journalists were interfered during their attempts to cover the crisis. Two Georgian journalists were arrested and held by security forces in North Ossetia; they were detained on the basis of invalid passports. The two journalists were residents of a town on the Russian border and according to an agreement between Russia and Georgia; they were able to enter Russia without a visa. The two

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[186] Valery Vyzhutovich, "Journalists to Introduce Self-Censorship: Fighting a war and freedom of speech are two incompatible things." WPS Monitoring Agency, October 30, 2002, Johnson's Russia List #6522, http://www.cdi.org, (Accessed May 2005).

[187] Ibid.

[188] CNN.com, "Russian School Siege Toll Tops 350," September 5, 2004, http://www.cnn.com/2004/WORLD/europe/09/04/russia.school/index.html, (Accessed May 2005), and Beslan School Siege, http://www.mowscowtimes.ru/indexes/2005/03/17/228.html, (Accessed May 2005).

journalists were released on September 8, 2004.[189] Anna Politkovskaya, a Russian journalist known for her knowledge of the Chechnya conflict was poisoned on her way to cover the crisis. On September 1, 2004 she boarded a plane to fly to Beslan. It took her three tries to make it onto a flight. Ten minutes after drinking a cup of tea prepared by the flight crew, she became sick and required hospitalization. She was unable to continue to Beslan.[190] Andrei Babitski, a Radio Free Europe journalist, was also prevented from reaching Beslan. He was initially detained at the Moscow airport after his suitcase was identified as possibly containing explosives. After his suitcase was cleared, he was drawn into a scuffle and subsequently arrested on the charge of hooliganism. He was prevented from reaching Beslan.[191] This incident is disturbing for a number of reasons. The first is that the government officials at the site knowingly and repeatedly released inaccurate information about the crisis. The incorrect information included, who were the hostage takers, and how many of them were in the school and what their demands were, and how many hostages were being held.[192] As a result of improper information being provided by the Russian government officials, the media outlets initially reported the incorrect numbers. While the rest of Russia did not initially know that the numbers released in Beslan were incorrect, the citizens of the town did. This caused the residents to physically attack the journalists on more than one occasion. Boris Leonov, a cameraman for Ren-TV reported that citizens of Beslan were attacking reporters because:

> they said we were lying. They asked: why do the representatives of the authorities come out to the cameras and announce the wrong number of hostages? This is why we became whipping boys… also all foreign correspondents were telling their viewers, their people, the whole truth- they knew the real number. This immediately made local people hostile

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189 Reporters Without Borders, "Beslan Tragedy Coverage Obstructed," September 6, 2004, and "Release of Rustavi-2 Television Crew," September 9, 2004, both http://www.rsf.org/article.php3?id_article=11322, (Accessed May 2005).

190 Ibid.

191 Ibid.

192 Miklos Haraszti, "Report on Russian Media coverage of the Beslan tragedy: Access to information and journalist's working conditions," Report prepared by Organization for Security and Cooperation in Europe, The Representative on Freedom of the Media, based on research conducted by the Centre for Journalism in Extreme Situations of the Russian Union of Journalists, September 16, 2004, http://www.cjes.ru/lib/?category_id=4&book_id=583, (Accessed April 2005).

> towards us, as if someone was doing this on purpose, fomenting people's anger…[193]

The implications of the government passing misinformation resulted in the feeling across Russia, that things were being concealed. In a poll conducted the week after the crisis 1216 of Ekho Moskvy's listeners participated, and 92% of them said that the TV channels "concealed parts of information" about the crisis. In a different poll, conducted by an independent analysis center, 1974 people were polled, all had at followed the hostage crisis at least from time to time, 13% said that they felt they received a "full and genuine account," 45% said they "suspected the information was not reported in full (for security reasons)," 22% said they believed "most of the information was false" and 18% said "they had the feeling that they were constantly being deceived or something very important was being concealed from them."[194]

An analysis by FBIS found that the media in Russia spent less time covering the hostage crisis in Beslan than it did when the Moscow theater crisis occurred in 2002. The independent stations had better coverage than the state owned stations:

> The country's third-most watched television station, Gazprom-owned NTV, devoted more broadcast time to the Beslan crisis than its official counterparts and reported from the scene in a timelier manner…however, NTV covered the 2004 hostage crisis differently, refraining from reporting information that conflicted with the authorities' versions of events.[195]

During the 2002 crisis in Moscow, journalists called hostages inside the theater to get quotes and information about what was happening. During this crisis, "it appears that no channel sought exclusive information by establishing contact with people in the building during the crisis."[196]

After the crisis ended, there was still an impact on journalists. Editor in Chief of *Izvestiya*, Raf Shakirov resigned on September 6, 2004. He said that his resignation was due to a conflict with the publisher over an issue that he had approved.[197] Half of the

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[193] Haraszti.

[194] All polling information from Ibid.

[195] FBIS "Russian TV's Coverage of Hostage Crisis Shows Self-Censorship," 5 October 2004, http://www.fbis.gov, (Accessed November 2004).

[196] Ibid.

[197] Coalson, "A War on Terrorists or a War on Journalists?"

September 4, 2004 issue of his paper was devoted to coverage of the hostage crisis. The front page of the paper showed "a nearly naked and hysterical girl being carried from the scene by a shocked but determined looking man."[198] The back page of the paper also showed a full page, color picture of scene in Beslan. The articles and pictures were compared to those published in papers in the United States after the September 11, 2001 terror attacks. In addition to the issue in question, the paper had also raised questions during the crisis about the information that the government was releasing, and published a number of editorials that were critical of Putin.[199] Many of the journalists in Russia believed that his resignation was upon a request from the Kremlin. The general director of Kommersant publishing house said that Shakirov's resignation was "a conscious signal from the Kremlin to journalists and the elites that now it is extending its hand to the print media as well."[200]

The media coverage of the crisis in Beslan appears to be more restrained than the coverage of the hostage crisis in Moscow, and the sinking of the KURSK. The immediate impact on journalists that did not follow the state line is clear with the resignation of a major newspaper editor. Any journalist who questions the official story line risks losing their job.

H. GENERAL TREATMENT OF JOURNALISTS

While the government has been responsible for interfering with the freedom of the media in Russia, there have also been a number of physical attacks against journalists. In the ten year period between 1995 and 2004, Russia was the fourth deadliest country in the world for journalists. Iraq was the most deadly with 36 journalists being killed, followed by Algeria with 33 and Colombia with 30. Russia had 29 journalists killed during that time period.[201]

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[198] Coalson, "A War on Terrorists or a War on Journalists?"

[199] Ibid.

[200] Ibid.

[201] Committee to Protect Journalists. "Journalists killed in the line of duty: Statistics for 1995-2004," http://www.cpj.org/killed/Ten_Year_Killed/stats.html, (Accessed May 2005). The CPJ only used confirmed deaths for this study, a journalists death is only considered confirmed if their "research confirms or strongly suggests that a journalist was likely killed in direct reprisal for his or her work or in cross fire while carrying out a dangerous assignment." http://www.cpj.org/killed/Ten_Year_Killed/Intro.html, (Accessed May 2005).

Table 3. Number of journalists killed in Russia 1992-2004[202]

Year	Confirmed Deaths	Unconfirmed Deaths	Deaths in Chechnya	Murders (in confirmed and unconfirmed deaths)
1992	0	0	0	0
1993	8	0	0	1 (7 other)
1994	3	2	1	4
1995	8	4	9	3
1996	6	1	4	3
1997	0	1	0	1
1998	2	1	0	3
1999	3	2	3	2
2000	4	4	3	5
2001	1	0	0	1
2002	3	1	1	3
2003	1	1	0	2
2004	2	0	1	1
Total	41	17	22	36

Source: From Committee to Protect Journalists

According to the CPJ, 339 journalists around the world were killed because of their work between 1995 and 2004. In only 35 of those cases has there been an arrest and prosecution. The situation in Russia is even worse than the rest of the world. In Russia, the CPJ reports that of the eleven deaths that have occurred since Putin came into office, they have all been contract style murders, and none have been solved.[203] As the chart above shows, just over 60 percent of the journalists' deaths in Russia between 1992 and 2004 have been due to murder.[204]

[202] Committee to Protect Journalists, "Journalists Killed" http://www.cpj.org, (Accessed May 2005). According to CPJ the death of a journalist is considered unconfirmed if the motive for their death is unclear, although the CPJ will continue the investigation in order to find out if the motive for their death can be confirmed.

[203] Committee to Protect Journalists, "Journalists killed in the line of duty during the last ten years: The Toll: 1995-2004," http://www.cpj.org/killed/Ten_Year_Killed/Intro.html, (Accessed May 2005).

[204] The circumstances surrounding each journalists death has been described by CPJ reports. I have broken them down into the categories of murder and deaths in Chechnya. A number of the deaths in Chechnya were also considered murder according to CPJ, but it is sometimes hard to tell if the death was due to their heritage, their job or upsetting some aspect of the society with their reporting. Military accident and combat related deaths are also difficult to determine intent.

I. VLADIMIR GUSINSKY

As already discussed in this chapter, over the first five years that Putin has been in power, the government has firmly gathered control over the media in Russia. The 1999 Duma campaign showed how powerful the media could be, and the most powerful media during that campaign was arguably the independent media outlets. The two biggest outlets at the beginning of 2000 were owned by Vladimir Gusinsky and Boris Berezovsky. As already discussed, Gusinsky and his media outlets sided with Putin's opposition during the 1999 Duma elections, and Berezovsky and his media outlets sided with Putin and the Kremlin. While some of the outlets did support the Kremlin during the 1999-2000 election cycle, that support was not guaranteed in the future, and consolidation of control over those outlets needed to be continued. The information war that was launched over the Svyazinvest auction showed how unstable the media's support of the government could be. By the end of 2003, all the independent media outlets in Russia had been placed under state control or closed down. This would prevent the independent media from changing public opinion as they had during the 1999 election cycle.

Just four days after Vladimir Putin was sworn in as president, he began his campaign against Vladimir Gusinsky and his media empire. On 11 May 2000, the Moscow office of Media-MOST was raided by "tax investigators and gun-toting police commandos."[205] While the raid may have been somewhat legitimate, it can also be seen as the first strike that Putin threw against the businessman who supported his political opposition. The prosecution of the Gusinsky's media empire culminated with the shut down of his independent television station TVS. TVS was created in June 2002, after the liquidation of TV6 was completed, many of the journalists and producers that had worked for TV6 and NTV moved to TVS when it was created. TVS was taken off the air on 22 June 2003, and replaced with a state-run sports channel. The Information Ministry said that the decision to take TVS off the air was "necessary to protect viewers' interests and

[205] Insight on the News, "Independent Media Raided in Russia," June 5, 2000, http://www.findarticles.com/p/articles/mi_m1571/is_21_16/ai_62650108/print. (Accessed May 2005).

to take account of the legal aspect."[206] Of note, Reporters Sans Frontières reports that a "businessman close to the Kremlin, Oleg Deeripaska, bought 90 per cent of the shares on 6 June."[207] This purchase helps to eliminate any doubt that the Kremlin was behind the shutdown. In addition to having his media empire removed, Gusinsky faced a number of criminal charges and was arrested in Russia. He was eventually able to leave the country, but was later arrested in Spain on behalf of the Russian government. The Spanish court system refused to hand him over, and he fled again to Israel. He was once again arrested in 2003, this time in Greece.[208] He was arrested in Greece on the same evidence as was used in Spain, evidence that was again found to be insufficient and he was released.[209]

One of the primary reasons for the consolidation of control over the media is the power that the media has. As seen in the late 1990's, media outlets can be manipulated by their owners to fight for what the owners want. This power can be used for good or bad, to support the sate or to undermine the state. In the case of Russia, Putin appears to fear the power of the media more than he cares about supporting business and free speech. In the case of powerful media elites, Putin has the ability to use questionable business dealings of the 1990's to prosecute them. While the prosecution is then legitimate, one still has to question why he is pursuing the men that oppose him, and not all the oligarchs. This is a disturbing trend because if appears that Putin is attempting to prosecute only those that oppose him. Without opposition, or discussion of opponent views, the future of democracy and a free media are in doubt.

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[206] Reporters Sans Frontières, "Government closes last independent TV station while parliament restricts election coverage," June 24, 2003. http://www.rsf.org/article.php3?id_article=7316, (Accessed May 2005).

[207] Ibid.

[208] Zassoursky, 211.

[209] Rashed Chowdhury, "Implications of Vladimir Gusinsky's Arrest," Carnegie Endowment for International Peace, September 4, 2003, http://www.carnegieendowment.org/events/index.cfm?fa=eventDetail&id=639, (Accessed May 2005). And Frontline/world, "How to Make a Billion Dollars: Vladimir Gusinsky," PBS.org, http://www.pbs.org/frontlineworld/stories/moscow/gusinsky.html, (Accessed May 2005).

V. CONCLUSION

This chapter concludes with an analysis of whether there is press freedom in Russia and whether the lack of such freedom means that democracy cannot survive in Russia if current policies continue. While the Russia that Vladimir Putin inherited was not a perfect democracy, it was a democracy that had a free press. While Putin has made a number of changes that may make Russia a more stable democracy, he has made more changes to move it away from democracy. In particular his treatment of the media has resulted in the public receiving biased information; this includes information about candidates during elections, what is occurring during events of national crisis and the ongoing war in Chechnya. However the immediate future of electoral democracy in Russia will not be decided until the 2007-2008 election cycle. As for the media, we can only wait and see if they are able to achieve an independent status, or if they return to a fully state run system.

A. THE FUTURE OF THE MEDIA

The Russian media had a period of independence that has been brought to a close during Putin's time in office. The Russian Media Law of 1991 is a good law that gave the press the freedom and protection that they needed to develop as an independent media. Once the power of the media was discovered, a number of independent companies were developed. These companies were used both to support the government and to question government decisions and reactions to national events.

Once Putin came into office, he began to limit the freedom of the media. The laws and agreements that have been enacted since 1999 have stripped the media of its ability to report critically about events that occur in Russia. The media has almost completely stopped covering the events in Chechnya, and have not criticized or questioned the handling of terror events such as the Beslan hostage crisis. The government has also targeted individual media outlets that showed opposition to the government. While it is clear to outside observers that Putin and his government are responsible for the changes, it is not that clear to the Russian people.

Figure 1 shows the results of a question asked by the Levada Center in a poll conducted on the public opinion of the media in Russia. The question dealt with state authorities interfering with the freedom of speech. As the results show, Russians are fairly divided about whether or not the state is actually attempting to control freedom of speech. There are a slightly higher percentage of people that believe that the state has not interfered with free speech, however they do not even make up a majority. While the Russian people are not sure if the state is interfering with free speech, they do believe that it is important.

Figure 1. Russian Opinion of Authorities Interference with Freedom of Speech [210]

Q. Some people think the authorities in Russia are at present attacking freedom of speech, whilst others think that the authorities are in no way threatening freedom of speech. Which view is closest to your own?

	All replies, %
Russian authorites are attacking freedom of speech, squeezing out independent media	38
The authorities are in no way threatening free speech, and are not squeezing out independent media	46
Don't know	16

Source: Levada Center, nationwide survey, 15-18 October 2004, N = 1600

Figure 2 shows that a small majority of the Russian people believe that freedom of speech and the democratic process are more important than restoring Russia as a powerful nation. This is important for the future of the media in Russia because it shows that the Russian people care about the freedoms that they have. However, the fact that people believe in free speech is not enough, they must take action to keep that freedom. There is only a small majority of the people in Russia that believe free speech is important; when this is combined with the general dislike of elite businessman who run media outlets it is not surprising that the government has been able to gain control of the media without public opposition.

210 Levada Center, "Public Opinion of the Media," http://www.russiavotes.org/Media_cur.htm, (Accessed June 2005).

Figure 2. Russian Opinion of Importance of Freedom of Speech[211]

RUSSIANS AGAINST CURTAILING FREEDOM OF SPEECH

Q. Would you support the following proposal: "For the sake of restoring the great power potential of Russia, we should temporarily limit freedom of speech and democratic elections."

		(Percent)
* Note: this question assumes limiting freedom of speech would in fact make Russia more powerful	Certainly would support	12
	Probably would support	24
	(Agree)	36
	Probably would not support	27
	Certainly would not support	25
	(Disagree)	52
	Don't know	12

Source: Nationwide VCIOM survey, 27-30 October 2000, N= 1600

While the Russian people may want freedom of speech, the government is continuing to take control of the media. *Izvestia* newspaper was sold to Gazprom Media Holding Company in early June 2005. Gazprom Media is a part of the state controlled Gazprom gas company.[212] *Izvestia* newspaper is one of the oldest newspapers in Russia and has a circulation of about 250,000[213].

While the government had increased its control over television, this marks a move to an attempt to control the print media as well as television. A spokesman for Gazprom Media "promised that the paper's editorial freedom would be unaffected."[214] However, given the trend with other media outlets in Russia, it is hard to believe that this will continue to be true. With the sale of *Izvestia* the state appears to only be further consolidating their control over information.

This latest incident shows that the media in Russia will not have the freedom and independence envisioned in the early 1990's. While things can always change, the state has continued to increase its control over the media. There are a few journalists that continue to risk their lives to tell the truth, but a few individuals cannot change the future

[211] Levada Center, "Public Opinion of the Media."

[212] BBC Monitoring, "Izvestiya sale shows Kremlin wants control of media," June 4, 2005, Johnson's Russia List # 9168, http://www.cdi.org, (Accessed June 2005).

[213] AFX News Limited, "Gazprom Seeks to Buy Russian Newspaper Izvestia," June 2, 2005, http://www.forbes.com/markets/feeds/afx/2005/06/02/afx2072739.html, (Accessed June 2005).

[214] AFX News Limited, "Gazprom Seeks to Buy Russian Newspaper Izvestia," June 2, 2005, http://www.forbes.com/markets/feeds/afx/2005/06/02/afx2072739.html, (Accessed June 2005).

of the Russian media. It appears that the Russian media will continue down the path towards increasing state control.

B. THE FUTURE OF DEMOCRACY

The biggest test for the future of democracy in Russia will not occur until the 2007-2008 election cycle. Although the Duma elections in December 2007 will be important, the real test will come with the Presidential elections set for 2008. There a number of paths that Putin can take between now and the election. He can allow new candidates to run without interference, he can select a successor, or he can attempt to change the Russian constitution to allow him to stay in office for longer, or to run for a third term. A news report from February 2004 suggests that Putin thinks a successor may be a good idea, specifically if he or she is one that will "follow the policy although with fresh ideas to solve the problems the country faces."[215] A news story on the same day discusses a proposed bill to extend the term of the President from four years, to five years. A recommendation was given that the bill should be voted down, but a deputy head of the committee evaluating the bill said that "we have four years ahead and there's no need to hurry."[216] While Putin has not made any direct comments about staying in office or running again, he has been known to change his mind. The only true democratic turnover of power would be to allow multiple new candidates to run, without the Kremlin backing a particular candidate. While this seems unlikely today, we will have to wait until the 2007-2008 election cycle to see if this occurs, or if a change is made to the Constitution between now and then changing the rules.

A hand picked successor is the most likely choice given the characterization of Putin's regime. One of the important aspects of a competitive authoritarian regime is keeping up the appearance of the democratic process. Putin has been careful to maintain the façade of a democracy while consolidating power and gathering control, and is most likely to continue this appearance. If Putin's successor continues the current policies, the future of free press and democracy in Russia is dim.

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[215] RIA Oreanda, "Vladimir Putin Says about Successor." February 13, 2004, http://www.lexis-nexis.com, (Accessed June 2005).

[216] Mikhail Vinogradov, "State Duma won't extend the President's term in office," *Izvestia*, No 26, p. 3, February 13, 2004, http://www.lexis-nexis.com, (Accessed June 2005).

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